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South Dakota Unified Judicial System

STATE COURT ADMINISTRATOR'S OFFICE
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The Honorable Chief Justice and the
Justices of the Supreme Court
of the State of South Dakota,

The Distinguished Members of the
South Dakota Legislature, and

His Excellency, the Governor of
South Dakota

Your Honors:

For your information, and as part of our effort to keep the public and the government agencies of the State of South Dakota informed about the activities of the state's court system, I submit this letter with the annual report of the Unified Judicial System, Benchmark 1988.

The Benchmark covers the structure and programs of the judicial system for calendar year 1988, as well as statistical information for fiscal year 1988.

We acknowledge our gratitude to the clerks of court and court services officers throughout the state who were responsible for submitting most of the data contained herein, and our staff personnel who compiled and prepared the Benchmark for publication.

Sincerely,

Tom Geraets

Tom Geraets
State Court Administrator

Members of the South Dakota Supreme Court

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Sioux Falls

Hon. Robert E. MORGAN
Justice, Fourth District
Vermillion

Hon. George W. WUEST
Chief Justice, Fifth District
Aberdeen

Hon. Frank E. HENDERSON
Justice, First District
Hill City

Hon. Robert A. MILLER
Justice, Third District
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Unified Judicial System 1988

In Calendar year 1988, the court system mourned the passing of Justice Francis Dunn, the first chief justice of the Unified Judicial System. Justice Dunn died on May 26, 1988 at the age of 74. He served on the Supreme Court from 1973 until his retirement in 1985--from 1974 to 1978 as chief justice. He had also served for fourteen years as circuit judge in the second circuit and as Sioux Falls municipal court judge for three years. He was highly respected as a jurist and an administrator.

Also, in 1988, Judge Riley Connelly retired from the first circuit bench in April and Judge William Heuermann, a long-time member of the Minnehaha County and second circuit judiciary, retired in September.

Judge Connelly, whose home is in Centerville, served previously as law-trained magistrate in the first circuit. The vacancy left by his retirement from the first-circuit bench was filled by the Governor's appointment of Richard Bogue of Canton.

Judge Heuermann's position was filled by Governor Mickelson's December appointment of Judith Meierhenry to the second-circuit position. Meierhenry is the first woman appointed to the circuit bench since the unification of the judicial system in 1975.

Other personnel changes in the system included two presiding judge appointments by the Supreme Court. Circuit Judge John Konenkamp was assigned the presiding judge responsibility in the seventh circuit, and Circuit Judge Pat McKeever was appointed presiding judge in the sixth circuit.

After receiving testimony in a public hearing the Supreme Court issued on order to increase the total number of judges in the eighth circuit from three to four. This change is effective as of July, 1989.

1988 legislative changes that affect the court system include: a bankruptcy law change that eliminates a conflict between state and federal requirements, an expansion of the garnishee procedure, a clarification of jury instructions required for a verdict of "guilty but mentally ill," a provision for allowing the filing of claims against the estate of a deceased person before probate, and a revision of the formula for parole of penitentiary inmates that allows an earlier release from incarceration than was previously permitted.

Among other items of interest during 1988, the Six-State Judicial Conference was held in Coeur d'Alene, Idaho. The South Dakota judiciary was well represented. The Supreme Court held its October term of court in the Old Courthouse in Sioux Falls, which had not been used for 25 years.

Court services officers of the Unified Judicial System had their statewide duties expanded for the second time within a ten-month period. They had previously been assigned additional duties involving the interstate compact for adult probationers. They have also been given juvenile aftercare responsibilities previously handled by three other juvenile-oriented agencies.

A Court Services Professional Development Program was held in October at which Dr. Stanton E. Samenow, a nationally-recognized author on the subject of criminal behavior, was the guest speaker.

UNIFIED JUDICIAL SYSTEM
COURT STRUCTURE

South Dakota Courts, Judges and Jurisdictions

Supreme Court

Five justices appointed by the Governor from judicial districts and subject to statewide electoral approval three years after appointment and every eight years thereafter. Retirement at age seventy.

Court term coincides with calendar year.

Has appellate jurisdiction over circuit court decisions.

Has original jurisdiction in cases involving interests of state. Issues original and remedial writs.

Has rule-making power over lower court practice and procedure, and administrative control over the Unified Judicial System.

Renders advisory opinions to the Governor, at his request, on issues involving executive power.

Circuit Court

Eight circuits served by thirty-five judges, who are elected at-large from within their respective circuits for an eight-year term. Vacancies filled by Governor's appointment.

Trial courts of original jurisdiction in all civil and criminal actions. Exclusive jurisdiction in felony trials and arraignments, and all types of civil action except those areas of concurrent jurisdiction shared with magistrate courts, listed below. Appellate jurisdiction over magistrate court decisions.

Magistrate Courts

Lay Magistrate:

Appointed by the presiding judge for an indefinite term. This function is usually performed by the clerk of court.

Concurrent jurisdiction with circuit courts to:

Perform marriages, receive depositions, issue warrants, conduct certain preliminary hearings, set bail, appoint counsel, accept pleas for class-two misdemeanors, conduct hearings for petty offenses, and render judgments for uncontested civil cases involving damages of $2000.00 or less.

Law-Trained Magistrate:

Licensed attorney, appointed by presiding judge for a four-year term.

Additional jurisdiction in magistrate court to:

Conduct preliminary hearings for all criminal prosecutions, act as committing magistrate for all purposes, conduct trials of criminal misdemeanor, civil actions involving damages of $2000.00 or less, and small claims actions.

The Court Structure

The judicial system of South Dakota, as shown in the chart on the previous page, is comprised of two component levels of courts having interrelated jurisdictions. The circuit courts are the lower courts of original jurisdiction through which the bulk of the criminal prosecution and civil litigation is processed. The Supreme Court, in addition to its own areas of original jurisdiction, provides the administrative leadership for the legal and judicial system, and serves as the state's appellate court. This means that problems the litigants have with decisions made at the circuit court level are brought, as appeals, to the Supreme Court for resolution.

The circuit courts employ magistrate courts to assist in processing misdemeanor cases (mostly traffic and DUI) and less-serious civil actions such as small claims.

The courts, and the administrative apparatus of the judicial system, are described in further detail in the material following.

Supreme Court

The Supreme Court is the state's highest court and the court of last resort for state appellate actions. It is the final judicial authority on all matters involving the legal and judicial system of South Dakota. In considering state issues, however, and in making decisions about cases received from parties appealing circuit court actions, there are a few restrictions on the authority of the Court. The justices, for example, are generally expected to follow precedent--that is, their own previous decisions (with some allowance for progressive change). Also, there are the constraints placed upon the Court by the State and Federal Constitutions, by statute law passed by the legislators, and by decisions of the Federal Courts.

When a case, or an issue, meets the general criteria for consideration, the Court's judgment--to affirm or reverse a lower court decision, for example--is based on a majority vote of the five justices.

The responsibility of writing the majority opinion for each appropriate case (not all cases require a written opinion) is assigned to the justices by lot. Also, all of the justices have an unrestricted right to prepare a dissenting or concurring opinion to accompany the majority opinion. These written opinions are published in the Northwest Reporter, which is printed and distributed by the West Publishing Company.

The working term of the Supreme Court extends the full calendar year. The sessions are usually held in the hearing room in the State Capitol, or in those cities, or college campuses, that the Court may specify by its own order.

Membership and Appointment

The five members of the Court (four justices and a chief justice) are responsible for making collegial decisions regarding appellate cases and other judicial business. It is not unusual, however, for one of the judges from the circuit court to be assigned to sit on the Supreme Court bench temporarily to assist in the decision-making process.

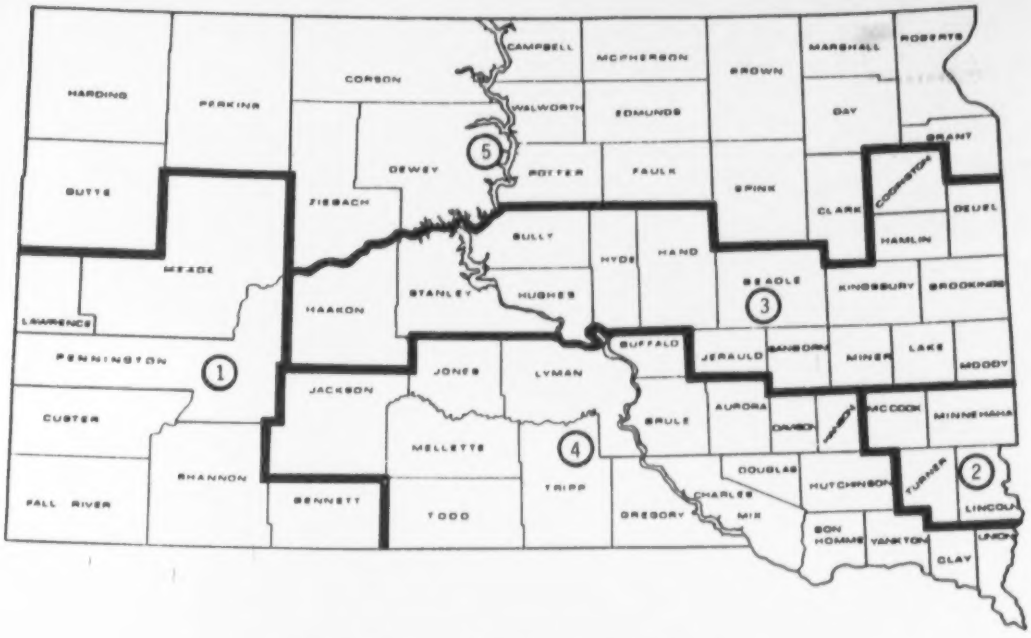
Such appointment may occur when a justice disqualifies himself because he might have, or appear to have, personal involvement in a case, or if there is a vacancy on the Court caused by the illness or departure of a justice.

All of those who sit on the Supreme Court must be licensed to practice law in the state and permanent justices must be voting residents of the district (see Map 1) to which they are appointed at the time they take office. There is no formal age requirement for those who serve on the Court, but there is a statutory requirement that a justice must retire shortly after reaching the age of seventy. A retired justice, if he makes himself available, may be called back into temporary judicial service in any of the state's courts.

Under the terms of a Constitutional Amendment passed by the voters in November, 1980, vacancies on the Supreme Court are filled by Governor's appointment. This appointment must be made from a list of two or more candidates recommended by the Judicial Qualifications Commission. All Supreme Court justices must stand, unopposed, for statewide approval or rejection by the electorate in a retention election. For newly-appointed justices, the vote is held at the next general election following the third year after appointment; for incumbent justices who have been elected under the earlier system, the vote is held at the end of their existing eight-year term. After that, all justices stand for retention election every eighth year.

Justice Henderson, elected from district one, began serving his term in 1979 and was retained in the November, 1986 election. His next retention election will be held in 1994. Justice Sabers, from district two, and Justice Miller, from district three, were appointed in 1986 and will participate in their first retention election in 1990.

Justice Morgan, from district four, won his retention election in 1984 and will stand again for election in 1992. Chief Justice Wuest, from district five, was appointed in 1986 and will stand for retention election in 1990.



Map 1. Supreme Court Appointment Districts

Jurisdiction

The original jurisdiction--as contrasted with appellate jurisdiction--of the Court extends generally to all issues involving the interests of the state. The jurisdiction also includes power to issue original and remedial writs when the interests of the state are directly involved, or when ordinary jurisdictions and remedies are inadequate to provide relief. The Court may also render advisory opinions to the Governor, at his request, on issues involving the exercise of his executive power.

The appellate jurisdiction of the Court, by which the justices hear appeals from the decisions of the lower courts, constitutes the largest portion of their workload. This appellate control insures adherence by the circuit judges to accepted principals of justice throughout the judicial system. It is one significant way in which the Supreme Court serves the public.

In addition to their original and appellate jurisdictional duties, the justices also provide administrative control over the judicial and legal system of the state.

For example, the Court is responsible for supervision of the licensing of attorneys as members of the State Bar, and for deciding questions involving the removal of attorneys from professional practice in the state. The Court is assisted in this activity by the disciplinary board of the state bar, which prosecutes all disciplinary proceedings before the Court. This board is comprised of seven members, six of whom are appointed by the president of the state bar association, and one of whom is appointed by the Chief Justice.

Also, the discharge of these disciplinary duties requires that the Court establish a code of conduct regarding appropriate behavior of the members of the legal community, and hold disciplinary hearings to consider violations of these guidelines. Through this process, the Court is able to maintain control over the professional conduct of the attorneys of the state.

Administrative authority over the judges and justices of the court system is also exercised by the Supreme Court, assisted by the Judicial Qualifications Commission, which is discussed on the following pages.

The administrative rule-making power of the Supreme Court also applies to lower court practice and procedure, encompassing such judicial items as the regulation of civil litigation and criminal prosecution, and the Rules of Appellate Procedure. Supreme Court Rules, other than those designated as "internal procedures" (which include policy regulation, for example, of judicial system personnel), become part of state law, just as the statutes passed by the legislature.

Administrative responsibility of the Court also includes general management and supervision of the Unified Judicial System, which occasionally involves the modification of the number of circuit court judges and boundaries of circuits.

Some rules recently issued by the Court include changes in the notice of appeal and answers to motions, the inclusion of the docketing statement with appellate filings, changes in small claims procedures, the process of appointment and removal of law-trained magistrates, appointment and regulation of the board of bar examiners, motion for new trial, and reproduction of briefs for indigent defendants.

Beyond these rule-making functions, the Court appoints personnel to specific permanent positions in the judicial system, authorizes commissions within the judicial branch, and approves membership on those commissions. The Court also establishes rules for effective administrative policy in the system, such as regulations governing official travel, and for training of the personnel in the Unified Judicial System.

In addition, the Court may appoint such personnel as may be appropriate to serve the needs of the state judiciary. The Court's administrative responsibility is exercised normally through the power of the Chief Justice, as specified in SDCL 16-2-20, which provides extensive authority for him to take any action necessary to ensure the efficiency of the judiciary process. The Court is assisted in this role by the State Court Administrator, the staff in his office, and the presiding judges.

Settlement Conference

The appellate settlement conference is an innovation recently introduced into the South Dakota appeals process to provide for disposition of part of the Court's workload by a Court-appointed conferee. This conferee, meeting with the parties to the appeal, attempts to facilitate a settlement between them, or to clarify the main issues of the appeal.

This process provides an alternative method of disposing of an appeal by having the parties involved--usually through their attorneys--meet in their own locality and attempt to reach an agreeable settlement without requiring a decision by the Supreme Court. Docketing statements that are filed with the appeal indicate the willingness of the parties to participate in a conference. These are screened by the Court's staff attorneys, who select those that seem most amenable to settlement by the conference process.

This process helps conserve the resources of both the litigants and the Court. The litigants save part of the normal expenditure for legal briefs, transcripts and attorney's travel costs, as well as the expense saved by reducing the attorney's time spent in preparation for, and presentation of, an oral argument before the Supreme Court. The Court saves time usually spent in researching the case and preparing an opinion.

Settlement conferences may be properly requested only by parties appealing from lower court decisions that involve money judgments, domestic relations cases, workmen's compensation, or administrative agency decisions. A conferee, however, may invite participation, if it seems appropriate, by the parties to any civil (non-criminal) appeal.

Each conferee--usually a retired judge or justice, or an attorney who has special background--is appointed by the Court to deal with a specific case. The conferee is expected to be aware of relevant Supreme Court decisions, and to have the skill to analyze the issues involved and present suggestions for effective settlement.

Data for the settlement conferences held during fiscal year 1988 are shown on Table 1.

SUPREME COURT DATA

Supreme Court Data

The information on Table 1 is presented graphically on Chart 1. Categories shown are those that are most commonly used in Supreme Court cases.

In the table, "Intermediate Appeals" are appeals from circuit court decisions that are not final and not appealable of right. These are accepted at the discretion of the Supreme Court.

A "Notice of Review" is filed by an appellee (the prevailing party in the lower court, against whom the appeal is brought) when he seeks review of any judgment or order entered in the same action from which an appeal has been taken. A notice of review is a separate filing, but not a separate disposition. It is disposed as part of the original appeal.

Under the "Dispositions" heading, the category of "Expedited Appeals Granted" represents those appeals that have been summarily affirmed or reversed on established grounds set forth in SDCL 15-26A-87.1.

In these proceedings, the Court, on its own motion, may either affirm or reverse the judgment or order from which the appeal is taken. The term "expedited appeal" is used because it usually takes less time to process appeals under this rule. The Court must be unanimous in its decision to render the summary disposition, and that decision is set out in an order or memorandum opinion.

Every case that has been filed in which no decision has yet been entered is a pending case. There are three main subcategories of pending cases, as shown on Table 1. Cases that have been completely briefed, orally argued or submitted to the Court on briefs, and which await only final disposition by the Court, are placed in the "Submitted and Pending" category. Cases that have been completely briefed and are awaiting placement on the Court's calendar are placed in the "Ready for Submission" category. Cases that have been filed, but are still in the transcript or briefing stages are placed in the "Not Ready for Calendar" category.

The lower part of the table shows settlement conference data for the two fiscal years they have been available. For FY 1988, out of a total of 71 filings (most requested by the appellant), 40 conferences were held, with another 7 still pending at the end of the fiscal year.

The total of cases ready for submission and those not ready for placement on the calendar total 248, which represents a continued increase since 1986.

In the bar chart, cases "Submitted and Pending" are shown as "Pending." The category of "Ready for Submission" is shown as "Ready."

The data shown in the chart illustrate that total appellate filings for Fiscal Year 1988 have increased slightly over 1987. These filings have been increasing steadily over the past four years, creating a progressively expanding workload for the Court. In addition, dispositions during fiscal year 1988 are at the highest point in the past five years (463) and cases submitted and pending--that is, awaiting a decision by the Court, have decreased about 17%, returning to the approximate level of 1985.

SUPREME COURT CASELOAD COMPARED BY FISCAL YEAR

	FY 1984	FY 1985	FY 1986	FY 1987	FY 1988
FILINGS	371	375	395	449	463
Appeals	296	291	314	362	370
Intermediate Appeals	23	12	28	20	27
Original Proceedings	18	38	30	26	21
Notice of Review	30	29	19	34	37
Miscellaneous Filings	4	5	4	7	8
DISPOSITIONS	391	369	419	381	463
Opinions/Cases	190/235	183/223	207/252	186/207	194/243
Orders of Dismissal/Cases	92/97	69/74	80/81	104/105	103/104
Orders of Denial	32	33	18	14	14
Miscellaneous	6	7	27	26	24
Expedited Appeals Granted	21	32	41	29	77/78
PENDING CASES (as of 6-30)	267	279	263	336	341
Submitted and Pending	104	95	80	109	91
Ready for Submission	40	62	44	63	74
Not Ready for Calendar	119	115	136	163	174
Other	4	7	3	1	2
SETTLEMENT CONFERENCES				93	71
Filed by Appellant				85	66
Filed by Appellee				6	4
Invited by Conferee				2	1
Ineligible				38	27
Refused				12	6
Conference Unsuccessful				20	27
Case Settled				12	13
Pending (End of FY)				9	7

Table 1. Supreme Court Caseload Compared by Fiscal Year

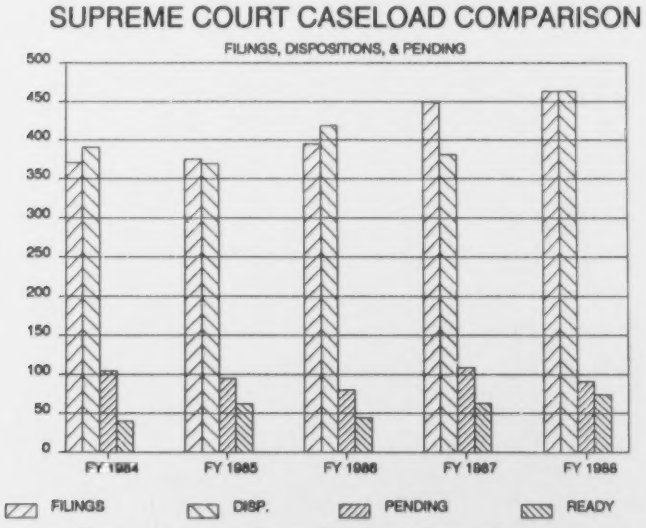


Chart 1. Supreme Court Caseload Comparison

CIRCUIT COURT

Circuit Court

The circuit courts are the trial courts of general jurisdiction. This means the circuit court judges have original jurisdiction in all cases and proceedings except those reserved for the Supreme Court. Appeals from decisions of the magistrate court (a subdivision of the circuit court) are also heard by the judges of the circuit court.

Circuit court judges are elected at large from within their respective circuits for a term of eight years. In the event of a vacancy in one of these positions, the Governor appoints a replacement from a list of at least two candidates recommended by the Judicial Qualifications Commission. The circuit judge must be a voting resident of his circuit at the time he takes office. The thirty five judges, and the law-trained magistrates, in office at the end of fiscal year 1987 are listed on page 11. Map 2 below shows the boundaries of the eight judicial circuits.

Direct supervisory control over the circuit court procedures and personnel is exercised by the presiding judge of each circuit, who is appointed to this administrative position by, and serves at the pleasure of, the Chief Justice of the Supreme Court. The authority of the presiding judge includes the following.

1) Assigning circuit judges and arranging schedules for sessions of circuit court, and supervising the calendar for circuit court trials and hearings.

2) Appointing clerks, deputy clerks, bailiffs, and other personnel within the circuit, and establishing their rate of compensation as authorized by Supreme Court rule.

3) Arranging for the proper drawing of jury panels and for the reporting of cases.

4) Periodically reviewing and evaluating personnel performance in the judicial circuit.

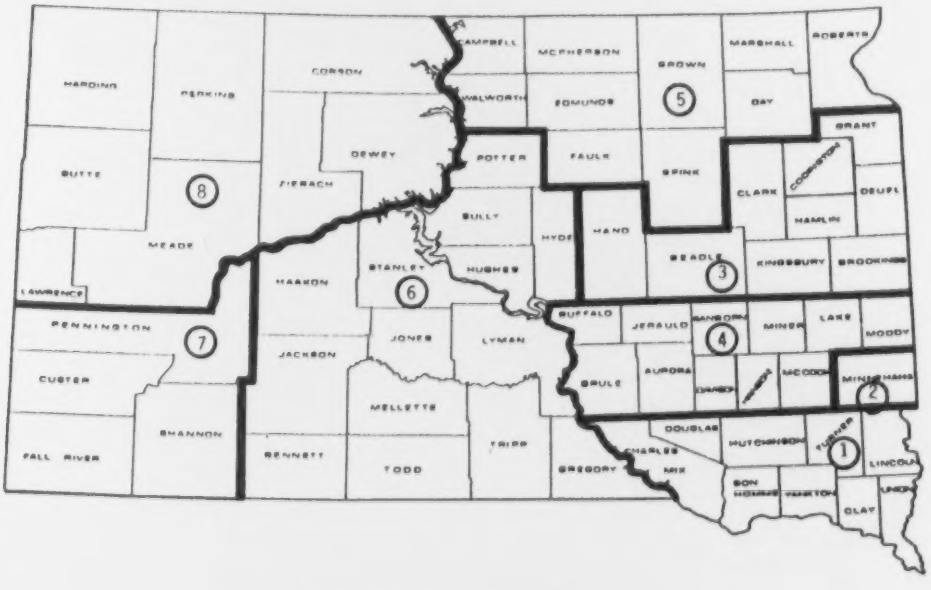
5) Monitoring the schedule of circuit judges to ensure their availability in each county according to statute.

6) Authorizing a schedule of fine and bond amounts to be used by magistrates and law enforcement officers in criminal prosecutions.

Circuit court jurisdiction over minor court actions is shared with the courts of limited jurisdiction, discussed below. Arraignment and trial of all felony cases are part of the exclusive jurisdiction of the circuit courts. The exclusive civil jurisdiction of these courts includes cases involving the following.

1) Dispute of title or boundary of real property
2) Divorce or annulment of marriage
3) Probate, guardianship and settlement of estates
4) Juvenile proceeding
5) Civil disputes in which damages claimed are in excess of $2,000.00.

As noted above, the circuit court has appellate jurisdiction over judgments, decrees and orders of magistrate courts. Decisions in small claims cases cannot be appealed.



Map 2. Judical Circuits and Counties

Magistrate Courts

In addition to the circuit courts, the South Dakota legislature has authority to provide for courts of limited jurisdiction. In the present system, these courts--the magistrate division--assist the circuit courts in disposing of misdemeanor criminal cases and minor civil actions. In so doing, the magistrate courts make the judicial system accessible to more of the public, providing a means of direct court contact for the average citizen. The jurisdiction of the magistrate court varies depending on whether there is a lay magistrate or a law-trained magistrate presiding.

The law-trained magistrate is required to be licensed to practice law in the state. Because of this legal knowledge, these magistrates are better able to provide effective decisions regarding more complex legal issues. Each full-time law-trained magistrate is appointed by the presiding judge of the circuit to a four-year term upon approval by the Supreme Court.

As is apparent from the list presented on page 11, a substantial number of the law-trained magistrates are part-time personnel, who may continue in their own private legal practice. Full-time law-trained magistrates are not permitted to have a private practice.

In addition to the functions of the court with a lay magistrate presiding, the law-trained magistrate may conduct preliminary hearings for all criminal charges, and act as a committing magistrate for all purposes. Also, with a law-trained magistrate presiding, the magistrate court may conduct trials for charges of criminal misdemeanor, civil actions involving amounts of $2,000 or less, and disputed small claims cases.

The lay magistrates, in contrast to the law-trained personnel, are more restricted in their jurisdiction. They may accept not-guilty, nolo contendere, and guilty pleas (and impose sentence) only in criminal cases for which the maximum penalty is $100.00 fine and thirty days in jail. Cases in which a not-guilty plea is entered are then scheduled for trial before a law-trained magistrate or circuit judge.

In all criminal cases, the lay magistrate is authorized to issue warrants for arrest or search, appoint legal counsel for defendants who are unable to pay for a lawyer, set bond for the release of the accused, and preside over preliminary hearings (unless a request is made by the accused to have the hearing before a law-trained magistrate or a circuit judge). In addition, the magistrate is authorized by statute to function as coroner when the regular coroner of the jurisdiction is not available.

The lay magistrate also has the power to perform marriages; to take depositions and administer oaths; and to enter judgments in defaulted small claims cases and other uncontested civil disputes involving amounts of $2,000 or less. Table 3 shows the number of personnel, by circuit, involved in the clerk and lay-magistrate activities. In most counties, the clerk of court also serves as the lay magistrate.

Although there is no educational requirement for a lay magistrate other than high school graduation, the lay magistrate is required by law to attend a training institute provided every other year by the State Court Administrator's office.

Although the state law assigns extensive authority to the lay magistrate, particularly in criminal cases, the extent of the actual exercise of this authority varies considerably from one circuit to the next, depending on a number of factors. These factors include the policy of the presiding judge, the availability of law-trained magistrates and circuit judges, and the land area of the circuit.

Presiding Judge's Meeting

Approximately every two months throughout the year, the eight presiding judges meet with the Chief Justice and the State Court Administrator. At two of these meetings each year, participation by the eight chief court services officers is also included.

Through the presiding judges meetings, judicial circuit personnel are provided direct communications into administrative policy and procedural decisions of the Unified Judicial System. The agenda encompasses a wide variety of subjects involving policy, management problems, and current issues relating to the operation of the courts.

Through these meetings, the presiding judges coordinate administrative activities among the circuits and keep themselves abreast of the latest developments in the court system. This promotes uniformity and administrative efficiency for the judges and staff in the judicial circuits. These conferences also provide an opportunity for members of the executive branch and the legislature, and other interest groups, to meet and discuss issues of mutual concern with the judicial personnel responsible for the implementation of operations at the circuit court level.

During the year, agenda items for the presiding judges meetings included magistrate jurisdictional changes, pilot projects for intensive probation and aftercare, social worker privilege, state court administrator site visits, Indian Child Welfare Act adoption notification, the 180-day limit on criminal prosecutions, the Firearm Owners Protection Act, delinquent fine legislation, salary and insurance changes, telephone approval for judges signature, and court reporter travel.

Judicial Conference

Another primary channel of management communication in the Unified Judicial System is the annual meeting of all circuit judges and Supreme Court justices, required by state law and usually held in the Fall of the year. The purpose of this meeting, designated the Judicial Conference, is to give judges the opportunity to study the organization, rules, practices and procedures of the judicial system, and make recommendations to the Supreme Court for appropriate legislative and Supreme Court rules changes.

Formal deliberation at the Judicial Conference of 1988 included a discussion of the use of judicial referees in child support hearings and decisions, more effective collection of delinquent fines, privileged communications in child abuse cases, transcription of administrative hearing tape recordings, clarification of transfer of preliminary hearing cases, change in law library fees, probate legislation, court fees for probate and judgment renewal, judicial signature by telephonic order, and a number of items involving juveniles.

Judicial Qualifications Commission

This commission, created by Article V, Section 9, of the South Dakota Constitution, and supporting statute (SDCL 16-1A), is comprised of seven members. These include 2 citizens who are not members of the state bar, appointed by the Governor; 2 judges of the circuit court, elected by the Judicial Conference; and 3 persons practicing law in the state, appointed by the president of the State Bar Association. The four year terms of the members are imbricated to promote administrative continuity.

The Judicial Qualifications Commission is primarily responsible for initiating disciplinary actions against members of the judiciary. It is empowered to receive complaints against any justice or judge, to hire personnel to investigate those complaints, and to conduct confidential hearings concerning the removal or involuntary retirement of the person subject to the inquiry. On recommendation from this commission, and after appropriate hearing, the Supreme Court may censure, remove, or retire such person for cause as specified in the Constitutional article and Supreme Court rule.

The commission also reviews applicants for vacancies on the Supreme Court and the circuit bench and nominates two or more of the most qualified to the Governor. The Governor then appoints one of those nominees to fill the vacancy.

BENCH PERSONNEL BY JUDICIAL CIRCUIT - FY 1988

FIRST JUDICIAL CIRCUIT, Judges:
Connelly, Riley (term. 4-29-88)
*Hertz, Ernest W.
Kern, Paul J.
Tapken, Jay H.

Law-Trained Magistrates:
**Cody, Mary Dell
Marmet, Robert G.
Humphrey, David C.

SECOND JUDICIAL CIRCUIT, Judges:
Amundson, Robert A. (7-13-87)
Heege, Robert C.
Heuermann, William H. (term. 9-16-88)
Hurd, Richard D.
*Kean, Gene Paul

Law-Trained Magistrates:
**Lieberman, Peter
**Neiles, Joseph

THIRD JUDICIAL CIRCUIT, Judges:
*Bradshaw, Dale E.
Erickson, Jon (3-28-88)
Martin, Eugene L.
Hoyt, Irvin N. (term. 10-2-87)
Steele, Rodney J. (9-1-87)
Timm, Robert L.

Law-Trained Magistrates:
Bingner, Randy
Brekke, Dean

FOURTH JUDICIAL CIRCUIT, Judges:
*Gerken, Marshall M.
McMurchie, Boyd L.
Miller, Ronald K.
Tucker, Tim D.

Law-Trained Magistrates:
Sage, Doyle
Kiner, Patrick

FIFTH JUDICIAL CIRCUIT, Judges:
Berndt, Leland J.
*Dobberpuhl, Eugene E.
Evans, Vernon
Gilbertson, David E.

Law-Trained Magistrates:
Glynn, Richard
**Lovrien, Larry
Olander, James

SIXTH JUDICIAL CIRCUIT, Judges:
*Anderson, James W.
Heck, Donald L.
McKeever, Patrick J.
Talbott, Marvin S.
Zinter, Steven L.

Law-Trained Magistrate:
Carter, Michael (12-21-87)

SEVENTH JUDICIAL CIRCUIT, Judges:
Davis, Jeff W.
Grosshans, Roland
*Konenkamp, John
Tice, Merton B. Jr.
Young, Marshall P.

Law-Trained Magistrates:
**Klauck, Jack
**O'Connor, Michael

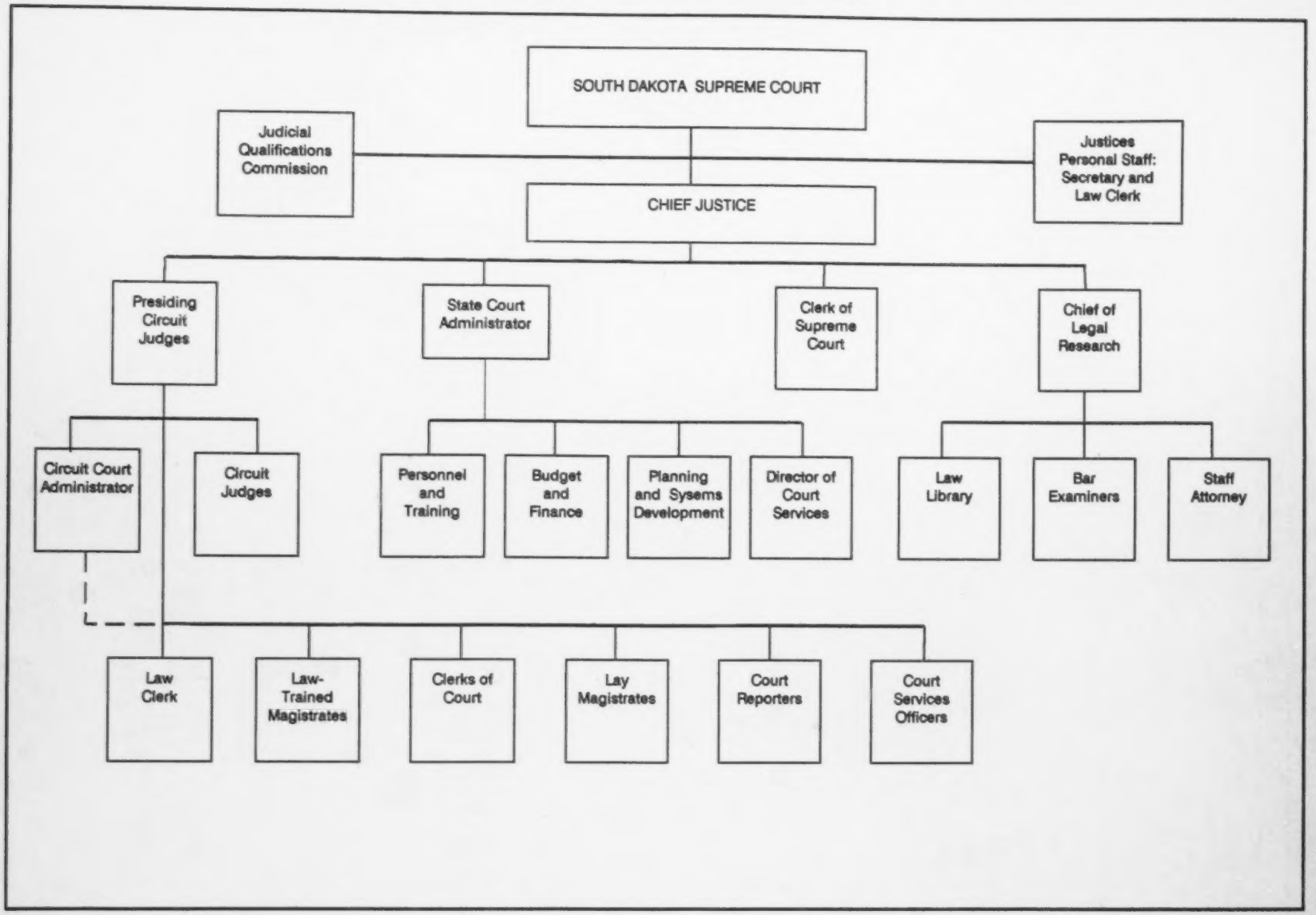
EIGHTH JUDICIAL CIRCUIT, Judges:
*Johnson, Warren
Moses, Scott C.
Tschetter, Robert L.

Law-Trained Magistrates:
**Johns, Timothy R.
Severns, William L.
Hoggatt, Ralph

*Indicates Presiding Judge at end of fiscal year.
**Indcates Full-Time Magistrate

Judge McKeever's appointment as Presiding Judge of the Sixth Judicial Circuit was effective as of 7-29-88.
Judge Konenkamp's appointment as Presiding Judge of the Seventh Judicial Circuit was effective as of 5-16-88.
Judge Richard Bogue replaced Judge Riley Connelly as of 10-31-88.
Judge Judith Meierhenry replaced Judge William Heuermann as of 12-16-88.

Table 2. Organization Chart of the Unified Judicial System



JUDICIAL STAFFING

State Judicial Staff

Justices' Law Clerks

Each Supreme Court justice employs a law clerk to assist in the extensive writing and research effort required for the preparation of formal Supreme Court opinions. The law clerks are recent law school graduates of high academic standing. They are selected for a one-year appointment that may be renewed for an additional year.

Clerk of the Supreme Court

The clerk assists the Supreme Court, and especially the Chief Justice, in the organization of the correspondence, exhibits, and other documentation related to the formal activities of the Supreme Court. This includes monitoring the progress of all appeals and original proceedings; scheduling oral arguments before the Court; recording Court decisions, orders and directives; and controlling their release and distribution. This office is also responsible for the management of all legal records of the Court; the compilation of appellate statistics; and the documentation and dissemination of all Court rules.

Chief of Legal Research

The attorney appointed by the Supreme Court to this position performs a number of tasks to assist the Court, particularly in the disposition of the technical workload. Responsibilities of the office include the following.

1) As executive secretary of the bar examiners, the Chief of Legal Research assists the examiners in developing, administering, and correcting the examinations given to candidates seeking admission to the bar.

2) As Supreme Court law librarian, the Chief of Legal Research is responsible for supervising and maintaining the Supreme Court law library of over 40,000 volumes.

3) The Chief of Legal Research also coordinates the efforts of staff attorneys in the prescreening of appeals and in drafting internal working memoranda, per curiam opinions, and orders for review by the Court. The staff attorneys screen the cases brought on appeal and make suggestions to the Supreme Court regarding disposition. These attorneys also help reduce the number of Court hearings by organizing the appellate settlement conferences, previously discussed. The purpose of these conferences is to help clarify the issues of the appeal, and to promote settlement between the parties, thus avoiding an expensive appeal and the need for a formal Court opinion.

State Court Administrator's Office

Directly responsible to the Chief Justice, the State Court Administrator serves as the chief management advisor to the Supreme Court. In coordinating policy decisions and developing management programs, this office provides administrative assistance and support services to the Unified Judicial System. Through biweekly meetings with the Supreme Court, administrative issues are discussed and policy decisions made which are implemented by the State Court Administrator.

In addition to these management and policy functions, there are four major subdivisions of the office, each operating within its own sphere of administrative activity.

The Personnel and Training Division is responsible for the maintenance of the Unified Judicial System personnel rules and the administration of all aspects of personnel and training activities for judicial employees. This involves the organization and implementation of training programs for all levels of personnel, including biennial training institutes for lay magistrates, and mandatory professional development programs for judges.

The personnel and training office is also responsible for the revision of personnel rules, and for the activities related to recruitment of new personnel for the judiciary. This includes publication of notices for open positions and coordination of interviews with prospective employees.

The Budget and Finance Division is responsible for the development and administration of the annual budget request and appropriation, the supervision of the accounting system, purchasing, voucher processing and payment, and maintenance of the master inventory. This office is also responsible for the creation of new forms, and for maintaining the integrity of the accounting procedures for the Unified Judicial System.

The Division of Planning and Systems Development is responsible for computer programming and analysis, the operation and maintenance of the judicial management information system, publication and maintenance of procedures manuals, the analysis of caseload and disposition data, and the preparation of research reports.

During the year, this division continued its coordination of development of a new criminal justice reporting system that would make criminal prosecution information available to a number of interested state agencies through an on-line data base.

The Director of Court Services, responsible to the State Court Administrator, acts as advisor on issues related to probation, problem juveniles, restitution, and other court services matters. The director is also responsible for the

development and coordination of all professional development activities of court services officers, and staffs the meetings of chief court services officers.

Circuit Judicial Staff

Circuit Court Administrator

The circuit court administrators assist the presiding judge in the management of the circuit. This includes budget, personnel, accounting programs, and statistical reporting responsibility. Presently only the second and seventh circuits are staffed with full time circuit court administrators. In the other circuits, there is an administrative secretary or assistant who performs these functions.

Law Clerk

Every judicial circuit now has the benefit of the services of a full-time law clerk. These are recent law-school graduates employed to provide research assistance to the presiding judge and circuit judges in the preparation of case judgments and orders of the court.

Clerk of Court

Every county in South Dakota is assigned a clerk of court. In a few counties the clerk is employed on a part-time basis. The duties of the clerk, and the deputy clerks that assist in the office, are to organize the court calendar for the county, accept and record fines and fees, perform recordkeeping and filing functions for the courts, and maintain appropriate court records for the judicial reporting system. The clerk also assists and informs the public about the schedule of the court, proper filing procedures, and about other matters of public interest such as the small claims process. In addition, the clerk of court performs the lay magistrate functions in most counties.

The Clerks' Advisory Committee, which includes a clerk-representative from each judicial circuit, meets with the State Court Administrator, and members of his staff, periodically. The purpose of these meetings is to discuss the needs and problems of the clerks' offices, develop solutions, revise the clerks' procedures manual, and make recommendations to the presiding judges regarding administrative or legislative changes.

Court Services Officer

The duties of the court services officers include the following.

1) Designing and supervising juvenile diversion program services.

2) Conducting juvenile, misdemeanant and felony presentence investigations and preparing related written reports and recommendations.

3) Providing probation services to juvenile, misdemeanant and felony probationers and their families.

4) Placing and supervising juvenile offenders in family foster homes and residential group care programs.

5) Planning and collecting offender paid victim restitution, and developing and supervising offender community-service programs.

6) Providing divorce custody investigations and mediation services, and monitoring divorce custody visitations and adoption investigations.

7) Providing public education programs, and managing community-based service activities for juvenile, misdemeanant and felony offenders

8) Collecting attorney fees, court costs, probation fees, work release costs, drug-buy money, and other costs and fees.

Coordinating the activities of the court services officers are the chief court services officers, one of whom is appointed by the presiding judge in each judicial circuit.

These officers provide administrative channels of communications for the court services programs in that circuit. The chief court services officers meet with the Director of Court Services on a quarterly basis, and with the presiding judges twice each year. The primary purpose of these meetings is to review the status of current programs in order to discern problems in the court services process and develop appropriate uniform solutions. In addition, they furnish a forum for court services personnel to coordinate their activities with those of other government agencies and private resource groups.

Court Reporter

Each circuit judge and most full time law-trained magistrates are assigned a court reporter whose duty it is to keep verbatim notes of required court activities, to make these transcripts available, and to assist the court in any related needs. The court reporters also provide secretarial services for the judge.

Clerk-Magistrate Staffing

The table below details the number of persons in the various categories of clerk-magistrate and lay magistrate positions, full time and part time, by circuit.

In the past fiscal year, the total **number** of personnel in the clerk of court offices shows a slight increase. However, Table 4, below, reflects full-time equivalent (FTE) positions rather than the numbers of total personnel, and indications in that table are that the actual hours worked by clerks of court and their deputies have not changed since FY 1987. Comparison of the two tables shows that, although the number of personnel in the clerks' offices may have increased slightly, the actual hours worked have remained essentially the same.

CLERK-MAGISTRATE STAFFING BY CIRCUIT, FY 1988

CIRCUITS:	1ST	2ND	3RD	4TH	5TH	6TH	7TH	8TH	STATE TOTAL
FULL TIME:									
Court Clerk-Magistrate	9	1	9	10	8	10	4	5	56
Deputy Court Clerk	2	21	6	0	6	0	17	0	52
Deputy Court Clerk-Magistrate	5	0	4	6	4	4	0	7	30
Other*	0	2	0	0	0	0	1	0	3
PART TIME:									
Court Clerk-Magistrate	0	0	0	1	2	3	0	3	9
Deputy Court Clerk	4	0	2	1	5	1	0	0	13
Deputy Court Clerk-Magistrate	4	0	5	7	2	11	0	6	35
Lay Magistrate	2	0	0	0	0	3	3	2	10

* Accounting Clerk, Accountant, Document Compiler

Table 3. Clerk-Magistrate Staffing By Circuit

FY 1988 STAFFING ALLOCATIONS BY JUDICIAL CIRCUIT

Position / Circuits:	1st	2nd	3rd	4th	5th	6th	7th	8th	Total
Bailiff	0.3	3.4	0.3	0.4	0.3	0.4	1.2	0.4	6.7
Circuit Judge	4.0	5.0	5.0	4.0	4.0	5.0	5.0	3.0	35.0
Clerk of Court	9.0	1.0	9.0	10.4	9.1	11.7	4.0	7.0	61.2
Court Administrator	0.0	1.0	0.0	0.0	0.0	0.0	1.0	0.0	2.0
Court Reporter	4.0	7.0	5.0	4.0	5.0	5.0	6.0	4.0	40.0
Court Services Officer	7.0	12.0	8.0	6.0	6.0	6.0	10.0	5.0	60.0
Deputy Clerk of Court	11.8	23.0	13.9	8.5	12.6	6.9	18.0	8.3	103.0
Law Clerk	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	8.0
Law-Trained Magistrate	2.0	2.0	0.9	1.0	1.8	0.5	2.0	2.0	12.2
Lay Magistrate	0.4	0.0	0.0	0.0	0.0	1.6	0.8	0.8	3.6
Secretary	3.0	5.0	4.5	3.0	3.7	3.0	6.5	3.0	31.7
TOTAL	42.5	60.4	47.6	38.3	43.5	41.1	55.5	34.5	363.4

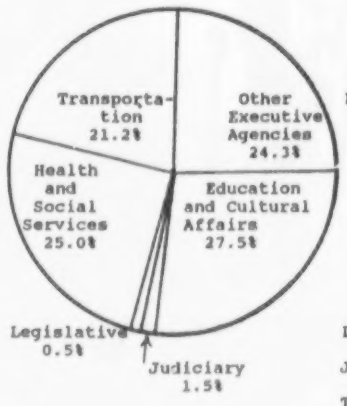
Table 4. Staffing Allocations By Circuit

Staffing Allocations

Because many of the positions filled in the Unified Judicial System are part- time positions, the staffing data is represented as full-time equivalent (FTE), which is based on hours worked per year (2080 hours = 1 FTE). Thus, two persons employed on a half-time basis in a given position would appear in the table as 1.0 FTE.

The total staffing allocation data for fiscal year 1988 show a small decrease from the previous year.

FINES, FEES AND FINANCES



AGENCY (Full-Time Employees)		AMOUNT (MILLIONS)	PERCENT OF TOTAL
EXECUTIVE			
Transportation (1291)		$184.0	21.1%
Education and Cultural Affairs (4579)		239.7	27.5%
Health and Social Services (1291)		217.2	25.0%
Other Executive Agencies:			
Charities and Corrections (2101)	$51.3		
Labor (479)	25.3		
Executive Management (384)	37.5		
Game, Fish and Parks (471)	17.4		
Commerce and Regulation (512)	21.0		
Other (1055)	59.1		
Total, Other Executive Agencies		211.6	24.3%
LEGISLATIVE (101)		4.3	0.5%
JUDICIARY (409)		13.4	1.5%
TOTAL (12,673)		$870.2	100.0%

Table 5. State Budget Allocation

Financing The Unified Judicial System

The judicial system collects millions of dollars every year in fines, bond forfeitures, fees and costs. However, because of the obvious ethical questions that would be involved if court judgments produced court income, none of this money is used to finance the judicial system (refer to table 7 on page 19). All the money collected by the judiciary is disbursed into other areas of public budgeting such as the school districts or city and county general funds.

Because the judicial system of the state does not generate any of its own funding, it must be financed by money from other sources, primarily the state budget. As demonstrated in the budget allocation data above, the judiciary's share of the budgetary pie is minuscule in comparison with that of major executive-branch agencies.

The state has the responsibility of funding the operations of the Supreme Court, the State Court Administrator's Office, circuit courts, clerks of court, court services programs, the out-of-home placement cost for juveniles, and training. State funding provides for personal services, which include salaries and benefits, for the employees in these operations. This cost for FY 1988 was 10 million dollars for 357 full-time and 90 regular part-time employees.

The state also funded operating costs of 2.5 million dollars in fiscal year 1988. These operating costs include travel, contractual services, supplies and materials, and capital assets.

In addition to state funding, city and county governments are required by state law to pay for certain court related expenses.

The responsibility of the county in supporting its court operation includes all jury and witness fees, and transcript costs and attorney fees for indigent defense. Also, counties are required to provide operational facilities for the circuit court, clerks of court, and court services. These facilities include office space, courtrooms, jury rooms, and other meeting rooms needed to support the courtroom activities. In addition, many counties maintain their own county law libraries, partially funded from a law library fee collected on each civil filing in the circuit court.

In FY 1988, the legislature required the counties to reimburse the state's general fund 10% of the total expenditures for the operation of the Unified Judicial System for the previous fiscal year.

The total amount of the reimbursement is pro-rated to each county, based upon percentage of the state population that resides in the county. Credits are allowed to the county for the amount of space provided for the operation of the courts. Beginning in July, 1987, some counties receive a credit for people living on land that is not subject to jurisdiction of the state.

Municipalities are generally required to provide funding to support activities that are necessary to enforce

municipal ordinances and bylaws. This includes jury fees, witness fees, and transcript costs and attorney fees for indigent defendants, as all of these are applicable to city ordinance. Municipalities also provide facilities for some magistrates' courts. These facilities consist of office space, courtrooms, and other meeting rooms to support formal court activities. The legislature requires that the state general fund receive 35% of all fines, penalties and forfeitures collected for violation of municipal ordinances.

The State Court Administrator's office manages the fiscal operations of the Unified Judicial System. This includes assisting the Supreme Court in the preparation and submission of the annual consolidated budget request; the administration of the operating budget; and the management of the uniform accounting of all receipts and disbursements of funds for the circuit and magistrate courts. The definitions below apply to the categories of accounting information in Table 6 and Table 7.

DEFINITIONS OF RECEIPT CATEGORIES

City Fines: Fines Collected for violations of city ordinances of which 65% is paid into the city general fund. The remaining 35% is paid into the state general fund. This is the city's payment to the state for the services provided by the Unified Judicial System.

City Costs: Costs which are levied in conjunction with city fines. This is a reimbursement to the city for an identifiable amount spent by the city in prosecuting a case. These funds are paid into the city general fund.

City Forfeitures: Forfeitures of bonds which were posted because of a violation of a city ordinance. These funds are also paid into the city general fund (65%) and the state general fund (35%).

State Fines: Fines collected for violations of state laws. These are paid into the county treasury for eventual transfer to the school district of the county in which the violation occurred.

State Costs: Costs which are levied in conjunction with state fines. These represent an expense the county had in connection with a given case. This money is paid into the county general fund.

State Forfeitures: Bond money forfeited and retained for violations of state laws. This money is paid into the county general fund.

Cash Fees: Fees charged for the filing of various civil actions. This money is paid into the county general fund.

Law Library Fee: A fee of $1.00 or $3.00 charged in addition to the civil case filing fee. This money is used to support the county law library.

Liquidated costs: A $15.00 surcharge set by the state legislature to be assessed for all criminal cases. Eleven dollars of this is to be used for training of law enforcement, corrections, and judicial personnel. Four dollars is used to provide partial reimbursement to counties for costs of counsel for indigent criminal defendants. The money is paid into the state treasury for distribution..

Court-Appointed Attorney Fee: A cost recovered from indigent defendants after conviction, used to reimburse the county general fund for payment of the defendant's court-appointed attorney. The money is paid to the county treasurer.

Petty Offense Fine: A fine of $20, specified by the legislature to be paid for violation of certain state laws designated as petty offenses. The money is handled the same as a state fine.

Restitution: Money collected by the court from a defendant to reimburse the victim for monetary loss caused by the crime. The money is paid to the victim.

Posted Bonds: Bond posted in conjunction with a criminal case. This money is either forfeited and used to pay subsequent fines and costs, or returned to the defendant.

Child Support: Payments collected by the clerk of court from one party in a divorce action for payment to the other party as financial support for the children involved.

Trust Fund: Money deposited with the clerk pending a decision regarding ownership. Also long-term bonds posted in criminal cases. Examples are Supreme Court appeal bonds or specific performance (peace) bonds.

Other: Collections that do not fit any of the foregoing categories.

CLERK OF COURT RECEIPTS AND DISBURSEMENTS
FISCAL YEAR 1988

	FIRST CIRCUIT	SECOND CIRCUIT	THIRD CIRCUIT	FOURTH CIRCUIT	FIFTH CIRCUIT	SIXTH CIRCUIT	SEVENTH CIRCUIT	EIGHTH CIRCUIT	STATE TOTALS
CASH RECEIPTS:									
CITY FINES	$89,051	$367,138	$88,864	$44,789	$141,925	$38,832	$160,026	$55,732	$986,357
CITY COSTS RECOVERED	10	360	50	0	4,307	30	290	1,545	6,592
CITY FORFEITURES	40	3,485	10,290	4,096	0	0	0	0	17,911
STATE FINES	1,035,589	713,838	606,274	523,102	715,894	624,880	692,749	827,477	5,739,803
STATE COSTS RECOVERED	11,458	35,014	10,995	6,998	10,783	16,736	79,604	21,426	193,014
STATE FORFEITURES	17,157	29,458	5,285	3,900	10,060	4,027	14,756	7,306	91,949
CASH FEES	87,298	173,199	105,718	67,086	97,897	65,203	130,528	62,952	789,881
LAW LIBRARY FEE	7,269	14,930	9,157	5,468	8,312	5,568	11,641	5,381	67,726
SMALL CLAIMS POSTAGE	3,811	8,165	6,706	3,433	4,511	2,821	7,315	3,377	40,139
LIQUIDATED COSTS	284,118	403,991	198,266	173,178	239,774	160,004	288,326	164,127	1,911,784
COURT APPOINTED ATTORNEY FEES	$26,968	$21,964	$34,894	$17,709	35,791	$31,142	$14,602	$13,604	196,674
PETTY OFFENSE FINES	$180	$136	560	60	1,435	2,260	3,038	0	7,669
RESTITUTION	80,192	225,956	102,599	95,410	111,762	68,671	175,914	39,399	899,903
POSTED BONDS	148,555	221,886	94,952	100,407	258,868	103,518	260,430	183,603	1,372,219
OTHER	32,148	5,453	33,614	32,129	49,363	52,982	269,786	1,850	477,325
CHILD SUPPORT	854,602	1,638,032	2,156,629	966,523	1,394,544	1,120,077	3,365,659	1,051,261	12,547,327
TRUST FUND	19,130	76,183	123,286	56,469	4,255	608,120	183,010	138,546	1,208,999
TOTAL RECEIPTS	$2,697,576	$3,939,188	$3,588,139	$2,100,757	$3,089,481	$2,904,871	$5,657,674	$2,577,586	$26,555,272
CASH DISBURSEMENTS:									
REMITTED TO CITIES	$58,222	$241,265	$64,500	$31,872	$96,558	$25,271	$104,289	$37,790	$659,767
REMITTED TO COUNTIES	1,185,721	988,156	772,942	623,976	880,594	751,344	947,132	938,741	7,088,606
RESTITUTION	87,177	224,138	99,073	90,470	114,026	72,426	185,900	38,876	912,086
SMALL CLAIMS POSTAGE	3,811	8,165	6,706	3,431	4,501	2,818	7,321	3,374	40,127
POSTED BOND REFUND	165,777	259,991	102,181	110,651	265,092	102,931	262,772	178,699	1,448,094
CHANGE OF VENUE	659	336	354	281	394	501	135	0	2,660
OTHER	31,249	5,453	32,767	32,069	48,900	50,401	316,497	2,093	519,429
CHILD SUPPORT FORWARDED	854,602	1,638,032	2,156,629	966,523	1,394,544	1,120,077	3,365,659	1,051,261	12,547,327
TRUST FUND	22,739	79,285	47,669	3,363	33,500	256,512	194,744	56,746	694,558
REMITTED TO STATE	315,412	533,756	233,405	190,445	289,674	174,193	344,568	183,989	2,265,442
TOTAL DISBURSEMENTS	$2,725,369	$3,978,577	$3,516,226	$2,053,081	$3,127,783	$2,556,474	$5,729,017	$2,491,569	26,178,096

Table 6. Clerk of Court Receipts and Disbursements Fiscal Year 1988

CLERK OF COURT RECEIPTS COMPARED
FY 1984 TO FY 1988

RECEIPTS, TYPE:	FY 1984	FY 1985	FY 1986	FY 1987	FY 1988
City Fines	$1,159,971	$1,215,439	$1,052,806	$1,027,712	$986,357
City Costs Recovered	2,616	3,074	2,353	4,128	6,592
City Forfeitures	14,888	14,200	14,725	12,245	17,911
State Fines	$5,615,317	$5,963,562	5,029,424	$5,746,279	$5,739,815
State Costs Recovered	258,114	215,166	240,094	224,837	193,014
State Forfeitures	66,152	88,356	59,177	103,989	91,949
Cash Fees	793,144	824,266	829,429	805,278	789,881
Law Library Fee	69,032	71,419	73,359	69,518	67,726
Small Claims Postage	34,603	37,803	42,414	38,279	40,139
Liquidated Costs	1,384,830	1,490,788	1,556,996	1,709,583	1,911,784
Court Appointed Attorney Fee	128,360	130,269	137,170	139,425	196,674
Petty Offense Fines	5,747	6,560	10,133	7,187	7,669
Restitution	669,126	596,664	721,622	824,885	899,903
Posted Bonds	1,630,651	1,791,982	1,547,583	1,432,455	1,372,219
Other	514,517	863,237	501,159	398,466	477,325
Child Support	7,778,813	8,911,830	10,315,751	11,474,749	12,547,327
Trust Fund	1,231,511	1,124,234	543,622	943,217	1,208,999
TOTAL RECEIPTS	$21,357,385	$23,348,849	$22,677,817	$24,962,233	$26,555,284
DISBURSEMENTS, TYPE:					
Remitted to Cities	$799,197	$803,295	$697,239	$680,548	$659,767
Remitted to Counties	6,934,764	7,305,235	6,377,284	7,101,875	7,088,606
Restitution	684,309	587,820	731,825	771,370	912,086
Small Claims Postage	34,318	37,343	39,389	32,090	40,127
Posted Bond Refund	1,558,380	1,797,356	1,636,290	1,442,059	1,448,094
Miscellaneous Refund	2,971	2,135	2,401	3,141	2,660
Other	511,508	863,998	498,608	393,119	519,429
Child Support Forwarded	7,778,813	8,911,830	10,315,751	11,474,749	12,547,327
Trust Fund	1,049,772	886,126	735,550	768,129	694,558
Remitted to State	1,763,760	1,924,817	1,932,511	2,075,994	2,265,442
TOTAL DISBURSED	$21,117,792	$23,119,955	$22,966,848	24,743,074	26,178,096

Table 7. Clerk of Court Receipts and Disbursements Compared

Receipts

Chart 2, below, shows some of the types of receipts collected by the clerk of court offices throughout the state. Restitution is the amount of money required by the court to be paid to the victim of a crime by an offender. The collection, accounting, and disbursement of the restitution is the joint responsibility of the court services officer and the clerk of court. It represents one of the ways in which the court system assists the victim of the crime, in addition to the punishment of the criminal by fine or incarceration.

Chart 2 shows that restitution has increased about 50% since 1985, and in 1988, collections reached $900,000--the highest level for the five-year period shown.

The "fees" category represents the money paid by the public for services rendered by the court, such as providing transcripts of certain records in the court offices. Also, fees are collected for the filing--that is, at the beginning--of non-criminal court actions (small claims, probate, divorce, etc.). Total fees have declined slightly during the past three years--apparently a reflection of a similar decline in total civil cases--and are now slightly under $800,000.

Court-appointed attorney costs are paid initially by the county or city for accused persons who are unable to pay for a lawyer. The court assists in the collection of repayment of these attorney fees from the defendant, sometimes as a condition of probation. The amount of this repayment is shown in the chart below. The 41% increase in FY 1988 shown below includes only the portion of court-appointed attorney costs that were repayed by the defendant.

In addition to this direct repayment from the defendant, a certain portion of the costs collected on all criminal convictions is set aside and returned to the counties as a percentage of the total paid by the county for court appointed attorneys. This apportionment of costs is specified by SDCL 23-3-55 and is explained in some detail in the material following, under the title of "Fines and Costs." Also, Chart 9 on page 26 shows a comparison of total such costs and repayment over the five-year period since the beginning of 1984. Other details of repayment for court-appointed attorneys can be found on Tables 9 and 10, and the charts associated with those.

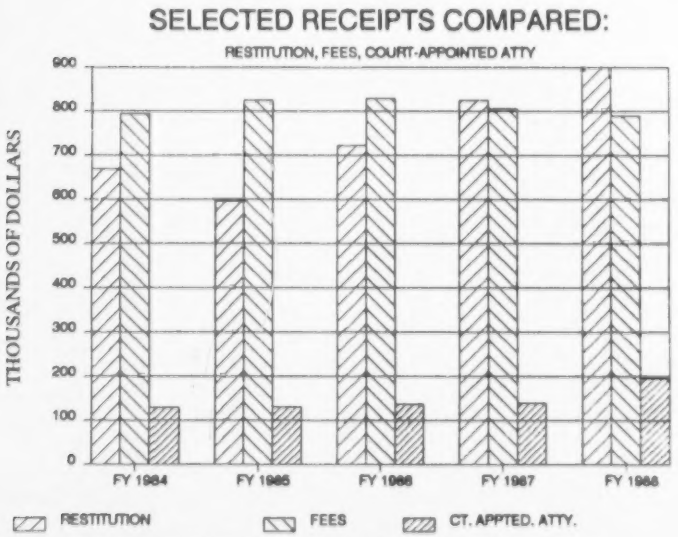


Chart 2. Selected Receipts Compared, Restitution, Fees, Court-Appointed Attorney Repayment

Fines and Costs

Chart 3, below, shows a comparison, by fiscal year, of fines and costs collected for criminal cases. State fines are assessed for violations of state laws and are deposited for use by the school district of the county in which the violation occurred. Of the city fine receipts, which are charged for violation of municipal ordinances, 65% of the amount is returned to the city general fund, and 35% to the state general fund.

The liquidated costs figure is collected as $15.00 added to all fines for conviction of state statutes, criminal offenses, and county or municipal traffic regulations (SDCL 23-3-52). The liquidated cost assessment, which was previously $12.00. was raised to $15.00 beginning in fiscal year 1988.

The increase in the total liquidated cost amount from FY 1987 to FY 1988 is $202,201, which is almost a 12% rise. Because the liquidated cost per incident has increased by 25% (from $12 to $15), this 12% increase really represents an overall decline in the number of liquidated cost receipts. (the increase from 1986 to 1987 was nearly 10%). If total costs were collected this year on each case, this would mean there were 127,452 cases on which the costs were received this year, as compared with 142,465 in the previous year. This represents an apparent loss of about 11%. In fact, the court occasionally waives the liquidated cost assessment, or some portion of it, if there appears to be financial hardship involved for the defendant.

The total disbursement of liquidated costs is divided three ways. The following is an approximate breakdown that may not correspond precisely to the actual expenditure amounts. Of the total $1,911,784, 73% ($1,395,602) is to be used, according to SDCL 23-3-55, for law enforcement training, highway safety law enforcement training, the operation of the statewide drug enforcement unit, state law enforcement equipment, the state crime laboratory, the training of corrections personnel, the training of prosecutors and Unified Judicial System personnel, and for other law enforcementpurposes.

The remaining portion, about 27% ($516,182), is returned to the counties on a percentage basis for the payment of court-appointed attorneys representing low-income defendants accused of crimes. This is to be distributed annually by the state treasurer according to SDCL 23-3-53. See table 9 on page 27, for a county-by-county distribution of these funds.

State fine receipts increased sharply in all circuits from FY 1986 to 1987, as shown in chart 4. This was primarily the result of the reinstatement of certain truck violations. In FY 1988, state fine receipts have remained stable across the state.

Details of traffic violations and fines can be found in the table on page 48. In FY 1987, speeding-fine receipts were $2,400,915; in FY 1988, they were $2,273,961. The total number of speeding **arrests** decreased during FY 1988 by 15,682--about 18%.

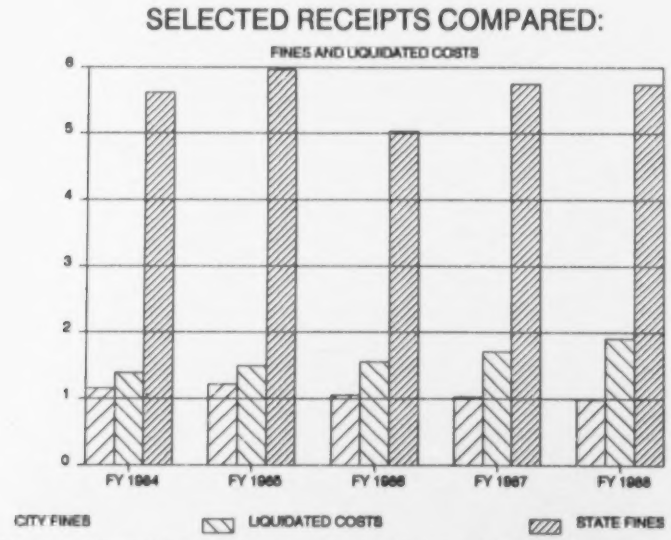


Chart 3. Selected Receipts Compared, Fines and Liquidated Costs

Child Support

In chart 4, in addition to total receipts, the two categories that comprise the largest share of money handled by the courts--child support and state fines--are also presented. Of these two, child support payments are shown continuing the rising trend that has been evident for more than five years.

State fines declined in FY 1986, due in part to a legislative fine reduction, but are approaching the 1985 level.

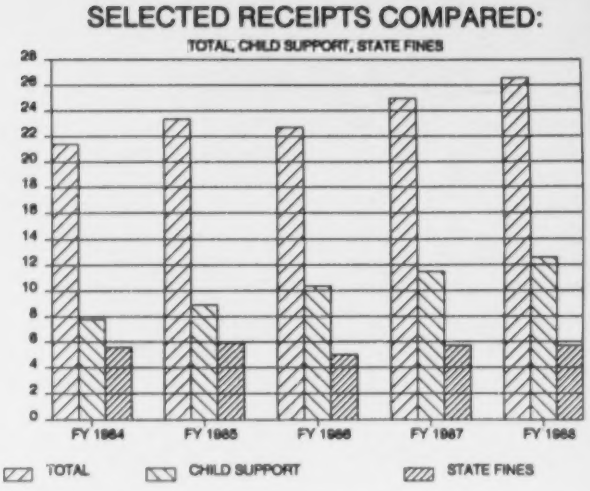


Chart 4. Selected Receipts Compared, Total, Child Support, State Fines

Disbursements

Chart 5 shows funds disbursed by the clerks of court to the state and its political subdivisions. Funds remitted to the counties include state fine amounts returned for school districts in accordance with Article VIII, Section 3 of the South Dakota Constitution. Changes over the years in these disbursements reflect the state-fine amounts shown on Table 8.

The decrease in disbursements to cities in the past few years is partly due to the decline in city-fine revenues and partly because the court system has been remitting 35% of the city fine receipts directly to the state during that time. Prior to fiscal year 1984, the cities were responsible for sending the state's portion of their receipts into the state general fund.

This change in accounting procedure is also part of the reason for the increase in state remittances shown. The other reason for the increase in disbursements to the state is that the liquidated costs (see the previous discussion on fines and costs) are also sent by the court system directly to the state treasurer.

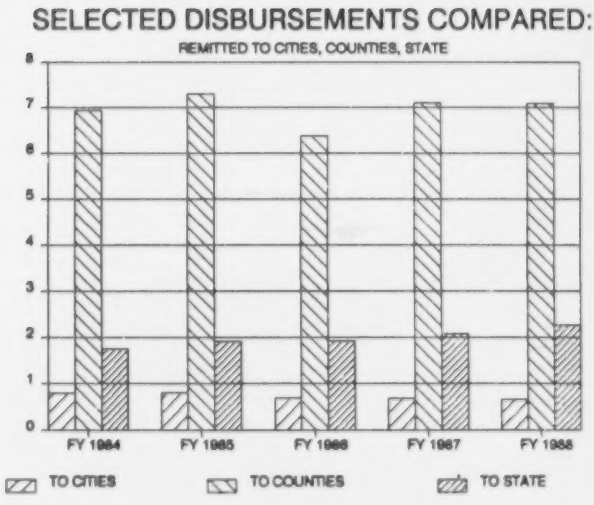


Chart 5. Selected Disbursements Compared

COMPARISON OF STATE FINES, BY COUNTY AND CIRCUIT: FROM FY 1984 TO FY 1988

COUNTIES	FY 1984	FY 1987	FY 1988	PERCENT CHANGE FY84-FY88
1ST CIRCUIT:				
Bon Homme	$24,946	$45,455	$48,466	94.3%
Charles Mix	68,613	95,333	91,974	34.0%
Clay	96,879	111,013	98,736	1.9%
Douglas	16,575	18,556	25,304	52.7%
Hutchinson	45,150	42,355	55,488	22.9%
Lincoln	98,763	96,858	91,139	-7.7%
Turner	16,450	26,779	29,200	77.5%
Union	382,240	372,973	382,192	0.0%
Yankton	174,814	226,507	213,091	21.9%
TOTAL	$924,430	$1,035,829	$1,035,590	12.0%
2ND CIRCUIT:				
Minnehaha	$526,956	$746,859	$713,838	35.5%
3RD CIRCUIT:				
Beadle	$135,093	$133,270	$121,934	-9.7%
Brookings	146,952	157,101	154,768	5.3%
Clark	32,096	32,036	29,550	-7.9%
Codington	146,445	131,850	138,258	-5.6%
Deuel	31,302	38,350	45,746	46.1%
Grant	45,143	29,512	29,446	-34.8%
Hamlin	33,505	23,607	33,081	-1.3%
Hand	31,128	32,139	28,353	-8.9%
Kingsbury	40,222	28,700	25,137	-37.5%
TOTAL	$641,886	$606,565	$606,273	-5.5%
4TH CIRCUIT:				
Aurora	$24,747	$39,573	$35,919	45.1%
Brule	75,548	51,855	55,599	-26.4%
Buffalo	3,322	1,702	3,475	4.6%
Davison	145,991	138,912	128,521	-12.0%
Hanson	18,409	24,744	23,441	27.3%
Jerauld	31,388	22,904	21,348	-32.0%
Lake	38,525	66,283	68,360	77.4%
Mc Cook	71,450	43,807	45,763	-36.0%
Miner	19,943	21,816	25,476	27.7%
Moody	76,315	81,333	94,088	23.3%
Sanborn	21,424	13,851	21,111	-1.5%
TOTAL	$527,062	$506,780	$523,101	-0.8%

COUNTIES	FY 1984	FY 1987	FY 1988	PERCENT CHANGE FY84-FY88
5TH CIRCUIT:				
Brown	$206,771	$237,631	$242,923	17.5%
Campbell	12,988	9,399	7,289	-43.9%
Day	53,220	63,121	63,512	19.3%
Edmunds	42,964	38,977	36,100	-16.0%
Faulk	23,922	34,734	31,212	30.5%
Marshall	32,411	31,173	26,230	-19.1%
Mc Pherson	5,096	10,549	9,984	95.9%
Roberts	176,509	160,098	168,556	-4.5%
Spink	60,903	72,225	53,881	-11.5%
Walworth	71,743	86,463	76,218	6.2%
TOTAL	$686,527	$744,370	$715,905	4.3%
6TH CIRCUIT:				
Bennett	$31,200	$33,473	$34,602	10.9%
Gregory	26,935	32,675	31,291	16.2%
Haakon	17,870	19,249	20,590	15.2%
Hughes	149,245	140,832	140,060	-6.2%
Hyde	9,519	12,487	9,024	-5.2%
Jackson	59,390	67,129	95,608	61.0%
Jones	22,166	25,303	28,436	28.3%
Lyman	79,401	59,997	72,472	-8.7%
Mellette	4,829	9,471	11,913	146.7%
Potter	28,606	19,052	30,746	7.5%
Stanley	46,500	62,539	54,079	16.3%
Sully	22,301	16,065	12,198	-45.3%
Tripp	101,772	67,747	83,863	-17.6%
TOTAL	$599,734	$566,019	$624,882	4.2%
7TH CIRCUIT:				
Custer	$76,058	$72,268	$60,656	-20.3%
Fall River	74,298	61,815	66,827	-10.1%
Pennington	30,621	31,160	40,588	32.5%
Rapid City	522,385	501,114	524,678	0.4%
TOTAL	$703,362	$666,357	$692,749	-1.5%
8TH CIRCUIT:				
Butte	$67,421	$74,760	$72,951	8.2%
Corson	21,959	23,453	20,810	-5.2%
Dewey	14,861	9,305	8,509	-42.7%
Harding	51,555	22,235	28,481	-44.8%
Lawrence	351,013	282,413	261,442	-25.5%
Meade	467,215	413,745	385,209	-17.6%
Perkins	22,645	40,919	44,440	96.2%
Ziebach	8,691	6,670	5,635	-35.2%
TOTAL	$1,005,360	$873,500	$827,477	-17.7%
STATE TOTALS:	$5,615,317	$5,746,279	$5,739,815	2.2%

Table 8. State Fine Receipts Compared by County & Circuit

Comparison of State Fines by Circuit

In Table 8 (page 23) and in the circuit totals from that table presented in Chart 7, total state-fine receipts are compared between fiscal years 1984, 1987 and 1988.

Chart 6 demonstrates the increase in fine receipts from FY 1986 to FY 1987, while Chart 7 shows that state-fine revenues have stabilized during the past two fiscal years.

In Table 8, the comparison of state fines is shown along with the percent change for the five-year period from FY 1984 to 1988. Although there are some considerable percentage increases and decreases in the various counties across the state, the total receipts for the period have changed very little.

With reference to circuit totals of revenues from state fines, the first and eighth circuits show the highest amounts for the year. Regarding state fines by county, other than the three most populous counties (Minnehaha, Pennington and Brown) the four counties showing totals over $200,000 are Meade, Union, Lawrence and Yankton.

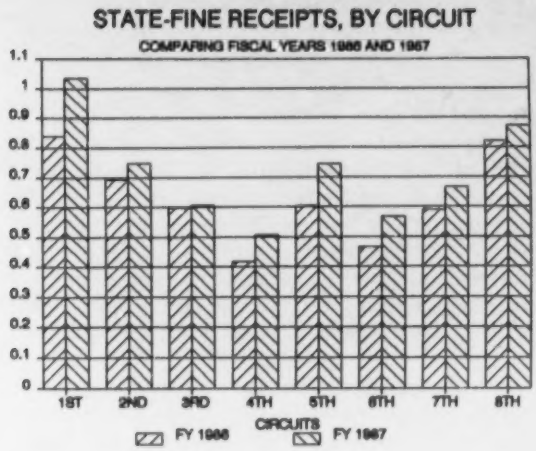


Chart 6. State Fine Receipts Compared by Circuit FY 86-FY 87

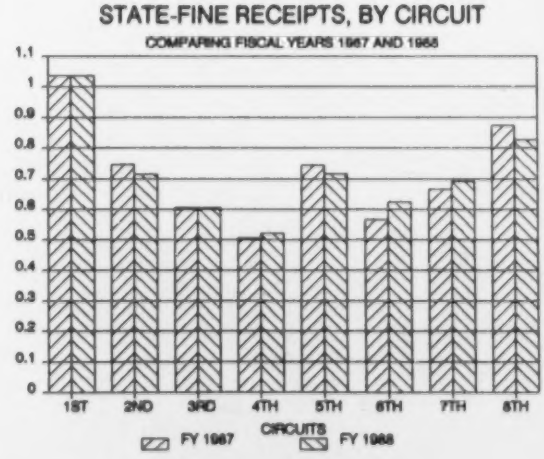


Chart 7. State Fine Receipts Compared Circuit FY 87-FY 88

Court Appointed Attorney Costs

Table 9, page 27, shows costs and repayment for court-appointed attorneys and public defenders. Chart 8 is a graphic summary of the cost and repayment by circuit comparing FY 1987 and FY 1988. Minnehaha (second circuit) and Pennington (seventh circuit) are the two counties that use their own public defender system. This means that the county pays a full-time legal staff to provide for the defense of economically disadvantaged persons accused of crime. Lawrence and Butte Counties (eighth circuit) also share a full-time public-defender office.

The data presented in these tables applies only to defense for felonies and class-one misdemeanors. Some counties, such as Lawrence and Butte, also occasionally employ court-appointed counsel in defense of class-two misdemeanant offenders.

In counties where there is no public defender system, judges or magistrates appoint local attorneys to defend indigent defendants. Repayment policies are the same for both types of county. Generally, the defendant, regardless of whether he is convicted, is expected to repay the cost of the court-appointed attorney. If repayment is not made, the county may file a lien against the defendant for the court-appointed attorney cost.

In addition to the costs repaid by the defendant, state law has established a court-appointed attorney fund, into which is paid $4.00 as costs from each criminal conviction, including traffic violations (The fund is discussed on page 21). The fund this year has provided an allocation to each county of approximately 22% of the court-appointed attorney costs incurred. This figure is shown in the second numerical column on Table 9.

The data on Table 10, page 28, shows an approximate average cost to the county for each court-appointed attorney case. This is done by dividing the total payment for the fiscal year by the total number of court appointment cases.

Table 10 also shows the percent of total class-one misdemeanor and felony filings that result in court appointment of an attorney. The state average is that 35% (about one out of three) of such filings result in the appointment of an attorney at county expense. This percentage represents a small increase over the previous year.

State-wide, the cost of court appointed counsel has decreased by $48,486 (about 2%) during the year. This type of cost is difficult to predict because it depends on the number of serious criminal prosecutions that might develop in any county. The costs for the second circuit (Minnehaha County), for example, increased from FY 1986 to FY 1987 by $252,797 (81%), primarily as a result of the prosecution of three extensive criminal trials. This year, the cost to the county has decreased by $116,682 (over 20%).

Chart 8 compares both cost and payback by circuit for FY 1987 and 1988. The total cost of court appointments decreased in the first, second, fourth and fifth circuits, while the payback increased in all circuits, primarily because the attorney-fund assessment on criminal convictions was doubled from $2.00 to $4.00.

Chart 9 shows that court-appointed attorney costs statewide increased about 50% from 1984 to 1987, but have declined slightly in FY 1988, partly because of an overall decrease in filings. Total amounts paid back, both from defendants and from the state fund, have increased slowly over the same four-year period and increased by over 50% during FY 1988 due to the fund assessment increase.

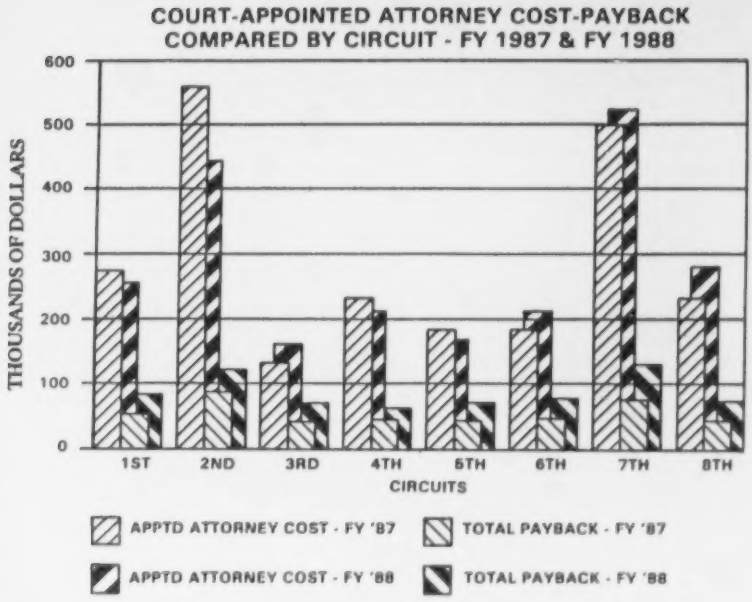


Chart 8. Court Appointed Attorney Repayment
FY 87 and FY 88

Chart 9. Court-Appointed Attorney Cost Payback by
Fiscal Year

COUNTY EXPENDITURES AND REPAYMENT FOR COURT APPOINTED ATTORNEYS

COUNTIES	TOTAL PAYMENT BY COUNTY	ALLOCATION PER SDCL 23-3-55	PAYBACK FROM DEFENDANT	PERCENT REPAID TO COUNTY
FIRST CIRCUIT:				
BON HOMME	$2,636	$592	$0	22%
CHARLES MIX	$29,377	$6,599	441	24%
CLAY	$68,099	$15,297	4,877	30%
DOUGLAS	$7,485	$1,681	0	22%
HUTCHINSON	$9,840	$2,210	4,126	64%
LINCOLN	$26,409	$5,932	2,739	33%
TURNER	$8,610	$1,934	734	31%
UNION	$39,247	$8,816	3,954	33%
YANKTON	$58,127	$13,057	10,097	40%
TOTAL	$249,830	$56,118	$26,968	33%
SECOND CIRCUIT:	$446,364	$100,266	$21,964	27%
THIRD CIRCUIT:				
BEADLE	$52,842	$11,870	$10,774	43%
BROOKINGS	$18,098	$4,063	7,908	66%
CLARK	$1,244	$279	797	86%
CODINGTON	$55,446	$12,455	9,520	40%
DEUEL	$11,294	$2,537	1,233	33%
GRANT	$4,777	$1,073	1,211	48%
HAMLIN	$3,418	$768	220	29%
HAND	$9,457	$2,124	821	31%
KINGSBURY	$3,804	$854	2,409	86%
TOTAL	$160,380	$36,025	$34,893	44%
FOURTH CIRCUIT:				
AURORA	$7,258	$1,630	$1,217	39%
BRULE	$28,217	$6,338	1,472	28%
BUFFALO	$0	$0	0	0%
DAVISON	$76,577	$17,201	4,352	28%
HANSON	$2,277	$511	0	22%
JERAULD	$1,247	$280	745	82%
LAKE	$27,623	$6,205	3,766	43%
MC COOK	$38,020	$8,540	1,410	26%
MINER	$1,983	$445	250	35%
MOODY	$19,816	$4,451	2,497	35%
SANBORN	$9,122	$2,049	0	22%
TOTAL	$212,140	$47,650	$17,709	31%
STATE TOTALS:	$2,253,206	$506,128	$196,675	31%

COUNTIES	TOTAL PAYMENT BY COUNTY	ALLOCATION PER SDCL 23-3-55	PAYBACK FROM DEFENDANT	PERCENT REPAID TO COUNTY
FIFTH CIRCUIT:				
BROWN	$74,966	$16,839	$18,925	48%
CAMPBELL	$874	$196	0	22%
DAY	$12,778	$2,870	655	28%
EDMUNDS	$6,065	$1,362	1,957	55%
FAULK	$209	$47	752	382%
MARSHALL	$4,399	$988	300	29%
MC PHERSON	$200	$45	0	22%
ROBERTS	$28,196	$6,334	7,103	48%
SPINK	$12,376	$2,780	4,773	61%
WALWORTH	$27,860	$6,258	1,326	27%
TOTAL	$167,923	$37,719	$35,791	44%
SIXTH CIRCUIT:				
BENNETT	$24,067	$5,406	$2,032	31%
GREGORY	$8,580	$1,927	1,131	36%
HAAKON	$2,456	$552	0	22%
HUGHES	$73,562	$16,524	19,023	48%
HYDE	$3,343	$751	628	41%
JACKSON	$7,043	$1,582	239	26%
JONES	$6,344	$1,425	0	22%
LYMAN	$15,710	$3,529	739	27%
MELLETTE	$6,754	$1,517	941	36%
POTTER	$3,687	$828	0	22%
STANLEY	$13,821	$3,105	5,710	64%
SULLY	$6,241	$1,402	405	29%
TODD-TRIPP	$39,581	$8,891	296	23%
TOTAL	$211,189	$47,439	$31,144	37%
SEVENTH CIRCUIT:				
CUSTER	$20,520	$4,609	$0	22%
FALL RIVER	$38,991	$8,759	1,485	26%
PENNINGTON	$465,387	$104,539	13,117	25%
TOTAL	$524,898	$117,907	$14,602	25%
EIGHTH CIRCUIT				
BUTTE	$39,590	$8,893	$1,005	25%
CORSON	$13,980	$3,140	948	29%
DEWEY	$4,472	$1,005	485	33%
HARDING	$3,565	$801	0	22%
LAWRENCE	$129,425	$29,072	90	23%
MEADE	$84,154	$18,903	9,469	34%
PERKINS	$5,167	$1,161	1,607	54%
ZIEBACH	$129	$29	0	22%
TOTAL	$280,482	$63,004	$13,604	27%

Table 9. County Expenditures and Repayment for Court-Appointed Attorneys and Public Defenders

COURT-APPOINTMENT CASES AND COSTS

	TOTAL PAYMENT BY COUNTY	APPOINT-MENT CASES	MISD. 1 AND FELONY FILINGS	AVERAGE PAYMENT / CASE	APPTMNT. CASES AS % OF FILINGS
FIRST CIRCUIT:					
BON HOMME	$2,636	11	84	$240	13%
CHARLES MIX	29,377	68	220	432	31%
CLAY	68,099	46	299	1,480	15%
DOUGLAS	7,485	1	24	7,485	4%
HUTCHINSON	9,840	9	61	1,093	15%
LINCOLN	26,409	42	179	629	23%
TURNER	8,610	9	60	957	15%
UNION	39,247	36	217	1,090	17%
YANKTON	58,127	123	469	473	26%
TOTAL	$249,830	345	1,613	$724	21%
SECOND CIRCUIT:	$446,364	1,713	4,098	$261	42%
THIRD CIRCUIT:					
BEADLE	$52,842	67	268	$789	25%
BROOKINGS	18,098	53	521	341	10%
CLARK	1,244	3	43	415	7%
CODINGTON	55,446	113	408	491	28%
DEUEL	11,294	15	89	753	17%
GRANT	4,777	9	60	531	15%
HAMLIN	3,418	5	46	684	11%
HAND	9,457	12	49	788	24%
KINGSBURY	3,804	12	52	317	23%
TOTAL	$160,380	289	1,536	$555	19%
FOURTH CIRCUIT:					
AURORA	$7,258	14	34	$518	41%
BRULE	28,217	62	150	455	41%
BUFFALO	0	1	5	0	20%
DAVISON	76,577	137	336	559	41%
HANSON	2,277	6	17	380	35%
JERAULD	1,247	2	22	624	9%
LAKE	27,623	60	174	460	34%
MC COOK	38,020	25	91	1,521	27%
MINER	1,983	2	13	992	15%
MOODY	19,816	53	138	374	38%
SANBORN	9,122	8	25	1,140	32%
TOTAL	$212,140	370	1,005	$573	37%
STATE TOTALS:	$2,253,206	5,973	16,870	$377	35%

	TOTAL PAYMENT BY COUNTY	APPOINT-MENT CASES	MISD. 1 AND FELONY FILINGS	AVERAGE PAYMENT / CASE	APPTMNT. CASES AS % OF FILINGS
FIFTH CIRCUIT:					
BROWN	$74,966	205	794	$366	26%
CAMPBELL	874	0	7	0	0%
DAY	12,778	33	145	387	23%
EDMUNDS	6,065	8	37	758	22%
FAULK	209	2	29	105	7%
MARSHALL	4,399	13	78	338	17%
MC PHERSON	200	1	20	200	5%
ROBERTS	28,196	126	302	224	42%
SPINK	12,376	24	92	516	26%
WALWORTH	27,860	39	191	714	20%
TOTAL	$167,923	451	1,695	$372	27%
SIXTH CIRCUIT:					
BENNETT	$24,067	76	266	$317	29%
GREGORY	8,580	20	64	429	31%
HAAKON	2,456	5	38	491	13%
HUGHES	73,562	222	509	331	44%
HYDE	3,343	2	18	1,672	11%
JACKSON	7,043	14	204	503	7%
JONES	6,344	13	43	488	30%
LYMAN	15,710	22	83	714	27%
MELLETTE	6,754	33	60	205	55%
POTTER	3,687	2	43	1,844	5%
STANLEY	13,821	35	83	395	42%
SULLY	6,241	1	12	6,241	8%
TODD-TRIPP	39,581	82	213	483	38%
TOTAL	$211,189	527	1,636	$401	32%
SEVENTH CIRCUIT:					
CUSTER	$20,520	61	162	$336	38%
FALL RIVER	38,991	124	239	314	52%
PENNINGTON	465,387	1,707	3,265	273	52%
TOTAL	$524,898	1,892	3,666	$277	52%
EIGHTH CIRCUIT:					
BUTTE	$39,390	79	300	$501	26%
CORSON	13,980	9	30	1,553	30%
DEWEY	4,472	5	23	894	22%
HARDING	3,565	6	14	594	43%
LAWRENCE	129,425	172	614	752	28%
MEADE	84,154	105	489	801	21%
PERKINS	5,167	9	148	574	6%
ZIEBACH	129	1	3	129	33%
TOTAL	$280,482	386	1,621	$727	24%

Table 10. Average Cost per Court Appointment

MILEAGE BY CIRCUIT PERSONNEL FOR JUDICIAL FUNCTIONS FY 1988

JUDGE OR MAGISTRATE	MILEAGE
First Circuit:	
Humphrey	11,569
Connelly	6,966
Tapken	6,887
Hertz	8,418
Cody	6,094
Kern	5,969
Marmet	4,062
Total	49,965
Second Circuit:	
Kean	2,349
Moan	1,416
Heege	1,792
Lieberman	0
Amundson	928
Heuermann	464
Hurd	875
Total	7,824
Third Circuit:	
Timm	6,372
Bradshaw	7,772
Brekke	6,785
Hoyt	1,450
Steele	2,184
Bingner	9,812
Martin	4,500
Erickson	1,398
Total	40,273
Fourth Circuit:	
Mc Murchie	7,119
Sage	6,542
Gerken	5,874
Miller	10,515
Tucker	7,810
Kiner	1,470
Total	39,330
Fifth Circuit:	
Gilbertson	15,696
Berndt	12,472
Dobberpuhl	10,892
Evans	8,856
Lovrien	6,424
Glynn	4,548
Olander	1,284
Total	60,172
Sixth Circuit:	
Mc Keever	11,182
Heck	11,106
Anderson	6,379
Talbott	7,631
Zinter	1,408
Total	37,706
Seventh Circuit:	
O'Connor	6,395
Davis	85
Tice	1,519
Grosshans	2,785
Young	2,353
Total	13,137
Eighth Circuit:	
Tschetter	12,651
Moses	5,151
Johns	7,415
Severns	4,202
Johnson	3,713
Hoggatt	2,401
Total	35,533
State Total	283,940

Table 11. Travel Mileage by Judicial Personnel

Travel by Circuit Personnel

Tables 11 and 12, and chart 10, show the miles traveled by circuit personnel throughout the state in the performance of their professional duties. Judges and magistrates are listed in Table 11, and court services officers in Table 12. The tables list the two groups by circuit in the order of the most miles traveled. The chart shows the totals by circuit for each of the two groups.

Patterns of travel for FY 1988 are similar to FY 1987 in each circuit. In most circuits, the travel indicators seem to be down slightly for both judges and court services officers.

FY 1988 MILEAGE BY COURT SERVICES PERSONNEL FOR OFFICIAL FUNCTIONS

OFFICER	MILEAGE
First Circuit:	
Lehr	14,603
McCabe	11,190
Sondgeroth	6,671
Nelsen	4,298
Foltz	2,560
Hall	3,809
McNeely	1,598
Total	44,729
Second Circuit:	
Wildes	3,753
Grove	2,581
Hurtgen	1,719
Adler	1,384
LeMair	1,104
Murphy	668
Bahnson	280
Hansen	76
Total	11,585
Third Circuit:	
Payne	4,652
Mead	3,917
Danforth	2,194
Goldsmith	1,782
Kjellsen	1,471
Moen	937
Brenden	465
Wright	139
Mielke	115
Total	15,672
Fourth Circuit:	
Janssen	6,414
Rager	2,951
Fraser	4,462
Johnson	5,600
Ibis	4,148
Adair	1,482
Total	25,057

OFFICER	MILEAGE
Fifth Circuit:	
King	15,032
Simons	11,243
Chase	8,856
Brumbaugh	6,709
Sutherland	234
Total	27,042
Sixth Circuit:	
Bonenberger	20,691
Bennett	15,045
Poeppel	9,575
McTighe	8,169
Parkinson	6,862
Olson	4,573
Sack	234
Total	65,149
Seventh Circuit:	
Nagel	16,352
Krosschell	4,292
Thompson	1,980
Jones	1,896
Fauss	1,627
LaPointe	1,565
Osborne	1,182
Lillquist	977
Sprague	118
Total	29,989
Eighth Circuit:	
Portwood	11,561
Vodopich	4,652
Kent Hanson	2,114
Meyer	1,810
DeKraai	1,142
Simons	652
Todd	576
Kristi Hanson	384
Oehlerking	32
Total	22,923
State Total	242,146

Table 12. Court Services Travel Mileage

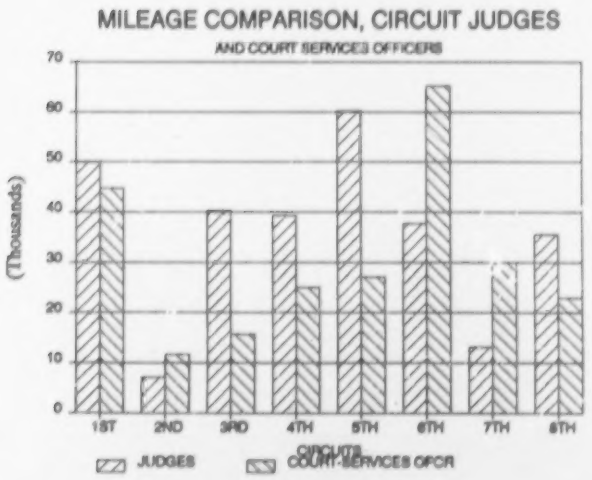


Chart 10. Mileage Comparison by Circuit

Comparison of Court Services Activities by Fiscal Year

SERVICE CATEGORY	First Circuit FY87	First Circuit FY88	Second Circuit FY87	Second Circuit FY88	Third Circuit FY87	Third Circuit FY88	Fourth Circuit FY87	Fourth Circuit FY88	Fifth Circuit FY87	Fifth Circuit FY88	Sixth Circuit FY87	Sixth Circuit FY88	Seventh Circuit FY87	Seventh Circuit FY88	Eighth Circuit FY87	Eighth Circuit FY88	State Totals FY87	State Totals FY88
Juvenile Service:																		
Preliminary Investigations	240	286	1214	796	309	264	1	6	0	1	8	15	0	2	1	0	1773	1370
90-Day Diversion Services	312	344	113	131	277	252	137	169	206	240	403	370	123	123	140	119	1711	1748
Prehearing Investigations	115	141	358	355	85	50	96	132	30	30	20	13	253	268	16	7	973	996
90-Day Informal Adjustments	14	14	22	24	12	8	1	18	3	2	4	5	10	8	0	0	66	79
Placed on Probation	121	144	242	205	198	165	95	134	195	189	85	85	264	259	100	96	1300	1277
On Probation at End of FY	128	121	167	177	64	79	47	83	155	134	61	58	176	185	82	90	880	927
Adult Service, Misdemeanor:																		
PSI Reports	109	94	43	57	12	22	76	52	7	1	24	18	1888	1571	8	1	2167	1816
Placed on Probation	93	90	46	47	148	174	34	31	154	159	11	26	116	93	51	45	653	665
Active Probationers, End FY	98	73	77	83	91	123	51	48	113	61	19	30	104	99	47	36	600	553
Adult Service, Felony:																		
PSI Reports	61	49	186	238	75	82	57	56	35	33	102	82	325	328	63	74	904	942
Placed on Probation	72	54	125	152	83	87	29	41	97	115	75	82	201	209	84	118	766	858
Active Probationers, End FY	147	140	266	311	98	132	55	82	200	190	139	148	242	303	140	185	1287	1491
90-Day Case Monitoring Program																		
Placed in Programs	70	53	38	547	529	495	153	95	91	90	183	257	1930	1621	3	0	2997	3158
Active Cases, End FY	16	21	0	115	109	137	23	12	11	17	20	48	392	264	0	0	571	614
Domestic Relations Cases:																		
Divorce Custody Investigations	10	6	0	0	0	0	3	0	0	1	3	1	0	0	0	0	16	8
Custody Visitation Monitoring	0	0	0	0	0	0	0	0	0	0	0	6	0	0	0	0	0	6
Adoption Investigations	6	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	7	0
Divorce Custody Mediations	0	3	0	0	0	0	0	0	0	0	2	2	27	15	0	0	29	20
Interstate Compact Caseload																		
Placed on Probation - Out		17		8		46		4		5		9		29		16		134
Placed on Probation - In		8		61		11		9		5		19		37		20		170
Active Probationers In - End FY		10		38		9		6		7		12		25		16		123

Table 13. Comparison of Court Services Activities by Fiscal Year

CASELOAD DATA

Table 14. Civil Caseload By County, Fiscal Year 1988

	CIVIL ACTIONS							DIVORCE			SMALL CLAIMS			MISCELLANEOUS					
COUNTIES	FILINGS UNDER $2,000	OTHER FILINGS	ADMIN. APPEALS	HEARINGS	COURT TRIAL	JURY TRIAL	DEFAULT	FILINGS	HEARINGS	TRIAL	DEFAULT	FILINGS	TRIAL	DEFAULT	PROBATE	ADOPTION	MENTAL ILLNESS	GUARDIANSHIPS	TERMINATIONS	JUVENILE PETITIONS
FIRST CIRCUIT:																				
BON HOMME	9	40	0	14	1	1	2	33	4	1	14	114	7	107	79	1	2	8	0	5
CHARLES MIX	33	21	1	1	0	0	20	26	10	0	11	169	16	134	73	2	1	10	0	68
CLAY	21	40	4	0	4	1	70	47	0	4	37	263	19	224	81	10	5	14	0	29
DOUGLAS	0	17	0	0	0	0	6	7	0	0	4	69	3	64	23	2	0	0	0	5
HUTCHINSON	15	38	0	7	1	1	29	13	3	1	7	99	11	88	79	4	0	10	0	9
LINCOLN	29	97	3	13	4	4	122	65	12	4	48	171	36	138	82	7	2	15	0	71
TURNER	10	51	0	4	2	3	34	22	2	5	13	157	37	123	87	3	3	3	0	11
UNION	44	99	10	94	31	0	65	55	34	30	45	192	23	137	85	10	8	8	0	43
YANKTON	34	213	6	64	35	2	71	92	37	15	60	649	64	490	126	6	199	15	6	64
CIRCUIT TOTAL	197	616	24	197	78	12	419	360	102	60	239	1883	216	1505	715	45	220	83	6	305
SECOND CIRCUIT:	1414	1446	22	511	94	35	2567	897	485	92	628	3557	544	2804	507	69	193	115	65	1055
THIRD CIRCUIT:																				
BEADLE	48	229	5	32	34	4	267	81	8	5	66	719	104	820	107	12	5	21	3	58
BROOKINGS	69	103	9	24	28	4	230	102	11	7	111	815	76	790	115	11	5	11	2	84
CLARK	4	32	0	7	2	0	25	16	5	3	6	105	13	91	34	4	0	4	0	3
CODINGTON	76	214	2	23	7	6	279	108	29	10	147	1079	98	1000	115	16	16	28	4	86
DEUEL	16	30	2	2	2	0	52	15	0	2	12	89	8	62	48	3	0	3	0	16
GRANT	29	47	1	7	1	0	69	26	18	9	5	186	10	210	54	4	0	9	1	41
HAMLIN	12	25	0	0	1	0	26	16	0	3	19	101	8	97	69	2	1	3	0	11
HAND	7	35	3	18	3	0	45	13	7	0	10	113	11	143	28	1	2	5	0	4
KINGSBURY	13	39	0	0	0	4	74	18	6	0	9	92	11	57	69	6	1	3	0	14
CIRCUIT TOTAL	274	754	22	113	78	18	1069	395	84	39	385	3299	339	3270	639	59	30	87	10	317
FOURTH CIRCUIT:																				
AURORA	8	13	1	9	2	1	16	6	6	1	4	41	7	40	30	1	0	4	1	16
BRULE	12	76	2	18	2	2	16	17	2	15	0	202	29	144	37	8	8	5	2	82
BUFFALO	4	9	1	1	6	1	0	2	1	0	0	11	2	10	3	1	0	0	0	0
DAVISON	96	148	4	34	13	4	161	79	54	21	8	797	95	642	98	15	7	23	2	103
HANSON	0	20	0	0	0	0	0	1	6	0	0	20	6	0	17	0	0	0	0	3
JERAULD	8	9	0	0	0	0	8	5	0	0	4	44	0	35	31	1	0	2	1	6
LAKE	13	79	3	24	5	1	58	55	30	10	7	285	28	294	58	5	3	3	2	53
MC COOK	23	38	1	0	5	7	41	15	1	1	14	122	9	101	46	1	0	2	1	16
MINER	16	19	2	1	2	2	27	14	3	3	0	54	8	45	37	1	1	0	0	16
MOODY	0	65	0	5	10	0	18	20	8	3	3	159	21	138	51	5	1	8	1	29
SANBORN	15	7	1	3	1	2	19	7	5	2	0	41	1	39	25	0	0	2	0	4
CIRCUIT TOTAL	195	483	15	95	48	20	364	221	116	56	40	1776	206	1488	433	38	28	49	10	328

Table 14. Civil Caseload By County, Fiscal Year 1988

	CIVIL ACTIONS							DIVORCE				SMALL CLAIMS			MISCELLANEOUS				
COUNTIES	FILINGS UNDER $2,000	OTHER FILINGS	ADMIN. APPEALS	HEARINGS	COURT TRIAL	JURY TRIAL	DEFAULT	FILINGS	HEARINGS	TRIAL	DEFAULT	FILINGS	TRIAL	DEFAULT	PROBATE	ADOPTION	MENTAL ILLNESS	GUARDIANSHIPS	TERMINATIONS	JUVENILE PETITIONS
FIFTH CIRCUIT:																				
BROWN	185	524	6	105	16	5	576	180	117	28	140	1402	126	1258	205	29	26	37	23	162
CAMPBELL	11	16	1	0	0	0	31	7	0	0	3	36	1	43	15	0	0	3	0	2
DAY	53	86	0	4	13	1	122	26	0	0	18	189	18	170	81	6	0	7	2	63
EDMUNDS	11	17	0	0	0	0	22	10	2	0	3	28	7	39	35	4	1	3	0	8
FAULK	3	18	0	0	0	0	11	8	5	0	1	22	5	13	24	0	0	5	0	3
MARSHALL	1	54	3	4	4	0	33	10	6	2	8	8	6	66	23	1	0	6	0	5
MC PHERSON	13	21	1	8	0	0	52	5	4	0	6	71	3	103	32	0	0	0	0	0
ROBERTS	73	83	1	5	2	2	107	25	1	8	22	161	5	114	81	4	7	13	0	72
SPINK	50	92	2	40	33	2	77	27	21	11	3	123	17	107	162	5	4	27	1	22
WALWORTH	31	82	0	2	1	0	75	28	1	0	25	115	12	102	46	2	6	4	1	66
CIRCUIT TOTAL	431	993	14	168	69	10	1106	326	157	49	229	2155	200	2015	704	51	44	105	27	403
SIXTH CIRCUIT:																				
BENNETT	10	37	0	2	0	0	31	13	1	1	9	77	7	76	14	0	0	0	0	23
GREGORY	9	45	5	2	1	1	79	13	1	0	8	108	12	85	54	2	0	7	0	18
HAAKON	12	16	2	4	0	0	19	9	5	1	0	150	6	133	20	6	0	0	0	10
HUGHES	83	289	67	123	32	0	285	79	10	8	48	490	55	392	77	18	9	30	4	143
HYDE	13	22	2	1	0	0	32	8	2	0	6	18	4	14	19	0	1	0	0	2
JACKSON	4	19	0	0	0	1	20	4	0	0	4	36	1	24	14	1	0	4	0	25
JONES	1	10	0	0	0	1	10	6	0	0	2	49	4	37	16	1	0	3	0	9
LYMAN	43	55	17	12	5	0	36	8	3	3	2	64	8	52	23	4	3	2	0	3
MELLETTE	0	21	0	0	0	0	0	7	0	0	0	9	0	6	4	0	0	0	0	5
POTTER	8	21	1	1	2	0	25	10	0	3	9	43	3	29	26	1	0	4	1	0
STANLEY	26	48	1	3	4	1	66	27	4	0	18	100	15	85	18	3	1	4	0	6
SULLY	2	18	2	0	0	0	25	7	0	0	5	46	2	45	18	1	0	4	0	0
TODD-TRIPP	73	128	1	24	17	2	135	62	9	11	36	175	22	189	63	4	6	2	1	39
CIRCUIT TOTAL	284	729	98	174	62	6	763	253	35	27	147	1365	139	1167	366	41	20	50	6	281
SEVENTH CIRCUIT:																				
CUSTER	27	75	2	58	4	0	60	39	2	0	25	245	40	237	41	4	3	16	1	28
FALL RIVER	0	191	13	31	13	3	61	46	0	0	37	185	22	147	81	3	12	20	0	26
PENNINGTON	480	1355	43	570	72	12	949	612	726	46	140	3227	584	2180	294	54	220	75	136	321
CIRCUIT TOTAL	507	1621	58	659	89	15	1070	697	728	46	202	3657	646	2564	416	61	235	111	137	375
EIGHTH CIRCUIT:																				
BUTTE	80	92	3	0	0	0	126	39	0	0	39	137	9	123	66	8	6	15	0	32
CORSON	16	20	1	2	1	0	20	10	5	0	7	24	1	19	16	3	1	2	0	1
DEWEY	7	15	0	0	0	0	6	6	2	0	2	18	2	14	25	4	0	0	0	0
HARDING	5	14	1	0	0	1	3	3	0	0	1	19	2	18	24	2	0	4	0	0
LAWRENCE	68	244	111	41	26	3	246	132	112	55	95	841	80	909	102	18	23	16	2	91
MEADE	16	238	12	46	28	0	112	89	24	14	108	407	77	408	101	15	34	31	2	60
PERKINS	14	33	3	0	2	1	32	17	2	2	12	57	14	72	45	3	2	2	0	7
ZIEBACH	2	7	2	3	0	0	11	3	1	0	2	3	0	3	10	1	0	2	0	1
CIRCUIT TOTAL	208	663	133	92	57	5	576	299	146	71	266	1508	185	1968	389	54	66	72	4	192
STATE TOTALS	3510	7305	386	2009	573	121	7934	3448	1853	440	2136	19200	2475	16381	4169	418	836	672	265	3256

Table 15. Criminal Caseload By County, Fiscal Year 1988

COUNTIES	CLASS TWO MISDEMEANOR					CLASS ONE MISDEMEANOR						FELONY					
	PETTY OFFENSE FILINGS	FIL-INGS	GUILTY PLEAS	DIS-MIS-SALS	TRIALS	FIL-INGS	PRE-LIM. HRGS.	GUILTY PLEAS	DIS-MIS-SALS	TRIALS COURT	TRIALS JURY	FIL-INGS	PRE-LIM. HRGS.	GUILTY PLEAS	DIS-MIS-SALS	TRIALS COURT	TRIALS JURY
FIRST CIRCUIT:																	
BON HOMME	5	995	907	23	11	73	13	56	6	2	2	11	9	6	5	0	1
CHARLES MIX	8	1635	1383	159	8	169	29	147	31	0	0	51	23	24	18	1	2
CLAY	6	2328	2177	60	27	251	36	229	15	2	0	48	12	23	12	0	1
DOUGLAS	1	615	589	15	0	23	4	16	3	0	0	1	1	1	1	0	0
HUTCHINSON	3	1064	1019	32	16	57	6	58	3	1	1	4	2	4	7	0	0
LINCOLN	8	2749	2388	241	54	138	17	116	46	1	0	41	6	8	33	0	1
TURNER	1	978	904	44	11	53	3	51	3	0	2	7	1	7	1	0	0
UNION	3	5626	5146	111	41	182	40	176	18	0	2	35	16	16	10	0	5
YANKTON	19	4255	3739	274	56	342	65	299	49	3	3	127	34	43	36	1	4
CIRCUIT TOTAL	54	20245	18252	979	224	1288	213	1148	174	9	10	325	104	132	123	2	14
SECOND CIRCUIT:	224	40710	29137	10178	928	2993	383	2330	1033	24	19	1105	114	272	515	12	19
THIRD CIRCUIT:																	
BEADLE	14	3707	3359	246	41	218	70	147	56	2	11	50	29	32	22	0	8
BROOKINGS	14	3516	3134	213	62	442	110	367	61	6	4	79	39	37	25	0	0
CLARK	3	595	538	42	4	34	3	19	12	0	0	9	2	2	8	0	0
CODINGTON	19	4589	4232	259	48	310	119	260	50	4	5	98	54	64	20	0	3
DEUEL	4	804	772	26	7	73	10	54	16	0	0	16	2	8	5	0	0
GRANT	4	567	505	47	9	48	3	51	0	0	0	12	5	6	2	0	0
HAMLIN	3	638	575	34	8	41	2	33	4	0	0	5	4	2	3	0	0
HAND	2	652	606	38	6	34	4	18	10	0	0	15	3	2	10	0	1
KINGSBURY	1	475	441	34	0	39	5	33	5	0	1	13	4	6	3	0	0
CIRCUIT TOTAL	64	15543	14162	939	185	1239	326	982	214	12	21	297	142	159	98	0	12
FOURTH CIRCUIT:																	
AURORA	1	826	780	27	5	29	6	21	3	0	1	5	2	3	2	0	0
BRULE	5	1226	1128	82	5	116	20	86	30	0	1	34	11	3	11	1	2
BUFFALO	0	66	64	0	0	3	1	1	2	0	0	2	1	2	0	0	0
DAVISON	49	4360	3749	392	12	237	38	174	49	4	0	99	21	44	40	0	3
HANSON	1	375	385	17	2	16	7	17	7	1	2	1	0	1	2	0	0
JERAULD	1	398	375	8	0	21	1	14	5	2	0	1	1	0	0	0	0
LAKE	7	1665	1535	116	27	140	45	114	22	1	1	34	6	16	13	4	1
MC COOK	2	888	768	73	9	59	19	44	13	2	0	32	10	8	13	1	2
MINER	1	585	561	13	1	12	3	19	1	0	0	1	1	0	0	0	0
MOODY	11	2148	1995	89	29	123	53	98	18	0	3	15	3	5	11	0	0
SANBORN	1	456	416	19	3	21	9	12	6	0	3	4	2	3	1	0	0
CIRCUIT TOTAL	79	12993	11756	836	93	777	202	600	156	10	11	228	58	85	93	6	8

Table 15. Criminal Caseload By County, Fiscal Year 1988

COUNTIES	PETTY OFFENSE FILINGS	CLASS TWO MISDEMEANOR FIL-INGS	GUILTY PLEAS	DIS-MIS-SALS	TRIALS	CLASS ONE MISDEMEANOR FIL-INGS	PRE-LIM. HRGS.	GUILTY PLEAS	DIS-MIS-SALS	TRIALS COURT	TRIALS JURY	FELONY FIL-INGS	PRE-LIM. HRGS.	GUILTY PLEAS	DIS-MIS-SALS	TRIALS COURT	TRIALS JURY
FIFTH CIRCUIT:																	
BROWN	70	9626	8598	719	67	612	50	496	149	3	6	182	31	117	80	0	2
CAMPBELL	0	173	168	9	0	6	1	5	2	0	0	1	0	1	0	0	0
DAY	3	1200	1141	51	7	123	5	102	14	0	1	22	7	13	12	0	0
EDMUNDS	1	778	774	23	1	31	3	31	1	0	0	6	1	4	3	0	2
FAULK	5	734	680	30	3	28	3	26	5	0	0	1	0	1	1	0	0
MARSHALL	2	428	358	44	5	68	7	60	9	1	0	20	1	7	3	0	0
MC PHERSON	2	190	203	5	0	16	3	15	2	0	0	4	1	1	1	0	0
ROBERTS	11	2172	2004	146	7	207	15	159	45	3	1	95	7	52	25	2	0
SPINK	2	1378	1279	37	10	74	14	49	13	1	3	18	3	12	5	0	0
WALWORTH	7	1446	1307	116	1	158	7	143	5	0	0	33	6	20	8	0	0
CIRCUIT TOTAL	103	18125	16512	1180	101	1323	108	1086	245	8	11	372	57	228	138	2	4
SIXTH CIRCUIT:																	
BENNETT	10	1012	766	74	3	190	10	51	23	0	1	76	9	23	8	0	0
GREGORY	1	565	493	41	2	60	10	49	10	0	2	4	1	0	6	0	0
HAAKON	3	458	424	16	0	33	6	23	4	2	0	5	2	4	1	0	0
HUGHES	8	2853	2391	276	78	400	96	345	58	3	0	109	43	70	33	0	2
HYDE	0	119	104	12	0	17	5	11	3	0	0	1	1	1	0	0	0
JACKSON	4	2169	1972	114	5	188	9	66	24	0	1	16	0	0	8	0	0
JONES	1	517	469	13	0	33	13	23	5	0	3	10	4	6	2	0	0
LYMAN	1	1491	1362	78	3	79	18	67	9	0	3	4	1	5	1	0	0
MELLETTE	0	234	185	11	5	55	18	50	3	0	1	5	2	1	2	0	0
POTTER	4	467	429	27	5	40	7	32	3	0	1	3	0	3	0	0	0
STANLEY	2	971	902	44	11	68	12	67	6	1	0	15	3	6	6	1	0
SULLY	0	222	210	7	0	9	2	5	0	0	0	3	1	0	0	0	0
TODD-TRIPP	13	1248	1119	95	3	168	56	108	51	0	4	45	27	16	15	0	7
CIRCUIT TOTAL	47	12526	10826	808	115	1340	262	897	199	6	16	296	94	135	82	1	9
SEVENTH CIRCUIT:																	
CUSTER	6	1212	1151	81	15	133	40	81	28	0	2	29	11	13	10	0	1
FALL RIVER	13	1435	1168	206	18	195	40	172	25	2	5	44	18	8	13	2	2
PENNINGTON	466	20077	16361	2950	272	2397	908	1748	702	18	24	868	413	314	149	7	42
CIRCUIT TOTAL	485	22724	18680	3237	305	2725	988	2001	755	20	31	941	442	335	174	9	45
EIGHTH CIRCUIT:																	
BUTTE	6	1114	916	126	18	256	4	146	91	1	2	44	1	21	16	1	5
CORSON	0	463	422	19	6	19	3	18	2	0	1	11	0	7	2	0	3
DEWEY	0	134	138	4	0	17	3	16	3	0	0	6	5	5	0	1	1
HARDING	0	381	364	11	0	13	3	11	4	0	1	1	0	0	0	1	0
LAWRENCE	39	3683	3284	285	35	483	3	396	47	7	7	131	2	87	24	5	2
MEADE	111	5476	4730	709	30	398	45	338	46	1	8	91	29	55	27	0	6
PERKINS	10	605	551	18	1	114	9	69	5	0	2	34	6	12	1	0	0
ZIEBACH	0	128	113	7	0	1	1	0	0	0	0	2	1	0	0	0	0
CIRCUIT TOTAL	166	11986	10518	1176	90	1301	71	994	198	9	21	320	44	187	70	8	17
STATE TOTALS	1222	154652	129843	19333	2041	12986	2553	10038	2994	98	140	3884	1055	1533	1293	40	128

CIVIL FILINGS AND DISPOSITIONS BY FISCAL YEAR

CIVIL ACTION CATEGORY	FY 1984	FY 1985	FY 1986	FY 1987	FY 1988
CIVIL Filings	10,686	11,511	11,785	12,027	11,201
Defaults	7,927	8,070	8,329	8,886	7,934
Trials & Disp. Hearings	1,843	1,826	1,890	2,643	2,703
DIVORCE Filings	3,216	3,241	3,340	3,206	3,448
Defaults	2,369	2,707	2,553	2,329	2,136
Contested					
Trials and Hearings*	1,138	1,314	1,275	1,709	2,293
Granted (Calendar Year)	2,498	2,566	2,584	2,696	N/A
SMALL CLAIMS Filings	19,259	19,961	21,814	19,349	19,200
Defaults	16,152	16,897	18,596	16,885	16,381
Contested	2,288	2,590	2,862	2,623	2,475
MISCELLANEOUS Filings	7,640	7,945	8,037	9,325	9,351
Probate	4,192	3,999	4,022	4,190	4,169
Adoption	437	419	419	398	418
Mental Illness	494	520	474	820	836
Guardianship	626	665	656	719	672
Juvenile Petitions	1,891	2,342	2,466	3,198	3,256

* May include related hearings (child support, property, etc.).

Table 16. Civil Caseload Summary

Civil Caseload

Table 16, above, shows the caseload comparison for the various types of civil (that is, all non-criminal) cases during the past five fiscal years. In the first three major categories (civil contests, divorces, and small claims), filings and dispositions are reported.

Under DIVORCE filings, the number of divorces and separations granted is provided by the Office of Vital Statistics, where the data are compiled on a calendar year basis.

The juvenile petitions reported under the miscellaneous heading are those that are filed and compiled through the offices of the clerks of court. There is, in addition to this, a separate computerized reporting system for juvenile filings which is processed through the court services offices.

Defaults include cases settled or dismissed without a disposition hearing. If there is a hearing, the case is reported as such.

Chart 11, which illustrates all civil filings, shows that the total number of such filings decreased during FY 1988 for the second consecutive year. Small claims filings and civil actions show a decrease during the period, while divorce cases and miscellaneous filings increased slightly.

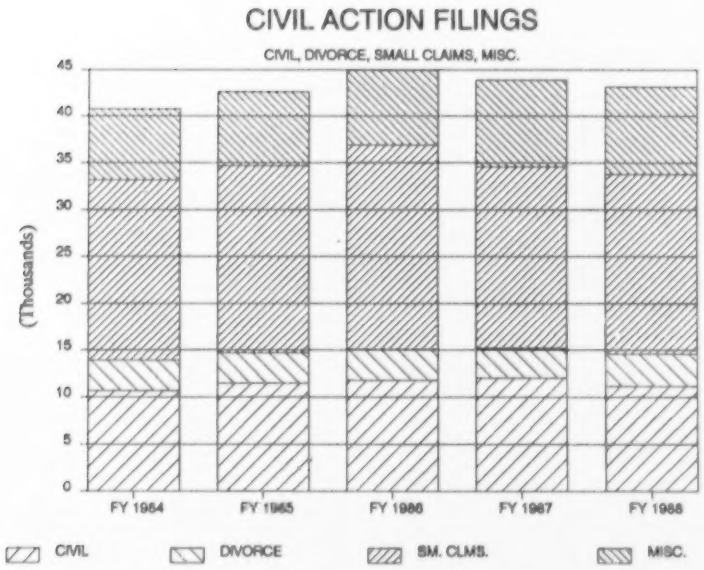


Chart 11. Civil Filings: Civil Actions, Divorce, Small Claims, Misc.

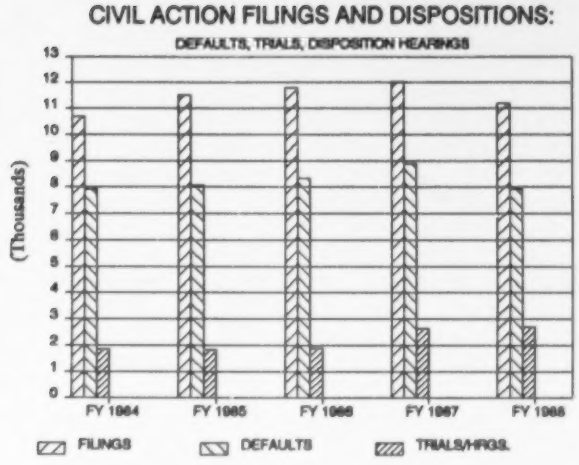


Chart 12. Civil Action Filings and Dispositions

Civil Actions

The number of civil lawsuit filings and default dispositions, as shown in Chart 12, after having increased steadily during each of the past three fiscal years, show a marked decline in FY 1988--possibly an indication of an improvement in the overal economy of the area.

The continued increase in "trials and hearings" dispositions do not necessarily contradict this because trials and disposition hearings, which often reflect actions begun at an earlier time, may not be as responsive to economic changes.

After fiscal year 1983, trials and dispositional hearings are reported separately. They are combined here in order to make them comparable with previous years.

The number of small claims filings (not included in the general civil contests, above) and dispositions, is shown in Chart 13. After five years of gradual increases in all categories of small claims actions, the data for fiscal year 1987 shows a decrease of over 11%, with a continuing decline in FY 1988.

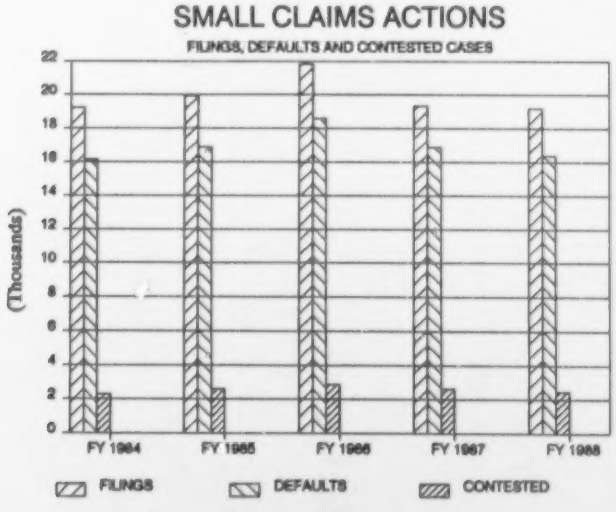


Chart 13. Small Claims Actions

Filings and dispositions in divorce, annulment, and separation cases, presented in Chart 14, show somewhat mixed indicators. The gradual increase in filings is part of an earlier pattern, but the continuing decline in defaults (uncontested actions), and a sharp increase in trials and disposition hearings indicates that more recent cases are being contested. This tends to increase the workload for circuit judges and staff. A continuing rise in the disposition hearings in Pennington County (and a sharp drop in defaults) seem to be influential in the overall changes in divorce dispositions in the state.

Divorce data, which are not included in the number of general civil contests shown in Chart 12, include hearings on requests to modify child custody. These are reported as new filings if there has been no related divorce case previously filed.

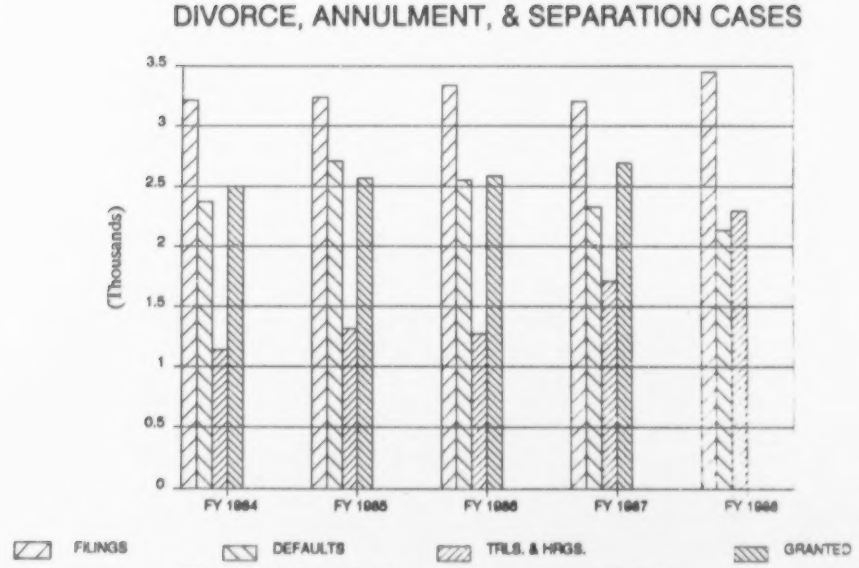


Chart 14. Marriage Dissolution Filings and Defaults

CRIMINAL CASELOAD SUMMARY

CATEGORY	FY 1984	FY 1985	FY 1986	FY 1987	FY 1988
CLASS-TWO MISDEMEANOR					
Filings	130,520	141,024	146,635	157,624	154,652
Guilty Pleas	114,158	123,036	130,764	141,514	129,843
Dismissals	11,967	13,720	9,866	12,611	19,333
Trials	1,439	1,631	2,144	2,051	2,041
Suspended Impositions	318	331	510	530	386
Speeding Offenses	61,243	68,470	77,746	87,890	72,208
CLASS-ONE MISDEMEANOR					
Filings	15,192	14,821	14,392	14,292	12,986
Preliminary Hearings	2,553	2,455	3,168	2,836	2,553
Guilty Pleas	11,469	11,250	10,370	11,174	9,798
Dismissals	1,936	2,266	3,152	3,030	2,994
Trials	310	220	269	271	238
Suspended Impositions	848	581	656	698	461
DUI Offenses	10,081	9,054	8,907	9,598	8,153
FELONY					
Filings	2,606	3,088	3,673	3,907	3,884
Preliminary Hearings	704	853	1,027	936	1,055
Guilty Pleas	1,072	1,168	1,211	1,661	1,773
Dismissals	961	1,208	1,390	1,326	1,293
Trials	160	154	162	174	168
Suspended Impositions	387	422	452	499	521

Table 17. Criminal Caseload Summary

Criminal Caseload

Table 17 shows filings, and the most common dispositions, of criminal cases during the past five fiscal years. petty offenses, which are technically civil cases, are not included in the main category of class-two misdemeanor filings. Speeding violations (filings) are shown separately, but are included in all the preceding totals for class-two misdemeanors. Speeding violations comprise almost half of the class-two offenses.

Class-two misdemeanors include most traffic offenses. Other (non-traffic) offenses in this category include disorderly conduct, certain drug possession charges, and bad check offenses involving $100 or less. A summary of traffic offenses and fines is presented in the table on page 48.

In the same manner as speeding offense statistics, the numbers of DUI filings shown in the table above are included in the filing and dispositional information for class-one misdemeanors. DUI violations here include both first and second time offenders as charged by the state's attorney. The third offense DUI is a felony. (Table 18 contains complete DUI data).

Selected information from the table above, comparing data for the period of five fiscal years, is shown on the following charts.

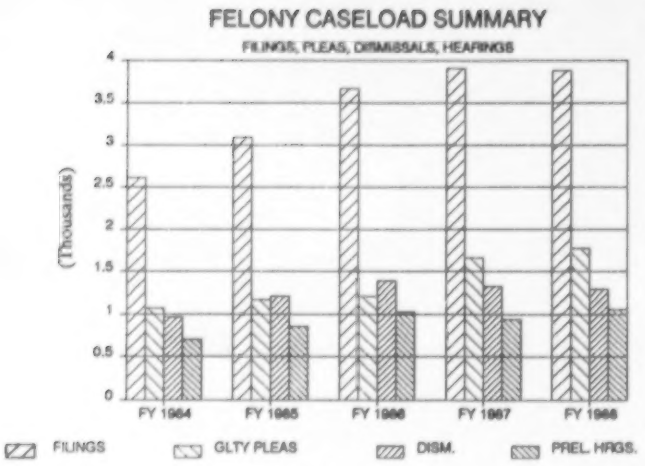


Chart 15. Felony Caseload

Felony Cases

The criminal caseload summary in Chart 15 shows a decrease in felony filings in fiscal year 1988 after a continuing gradual increase from FY 1984 to FY 1987, and a decrease for the second year in dismissals. Guilty pleas for felonies continue to show a steady increase into 1988.

Because of statistical peculiarities, a number of felony filings are duplicated in the system, resulting in inflation of filings by about 15%.

The comparison of trials for felony and class-one misdemeanor cases shown in Chart 16 indicates that the class-one trials have declined significantly. Felony trials are also showing a slight decrease after two years of very gradual increase.

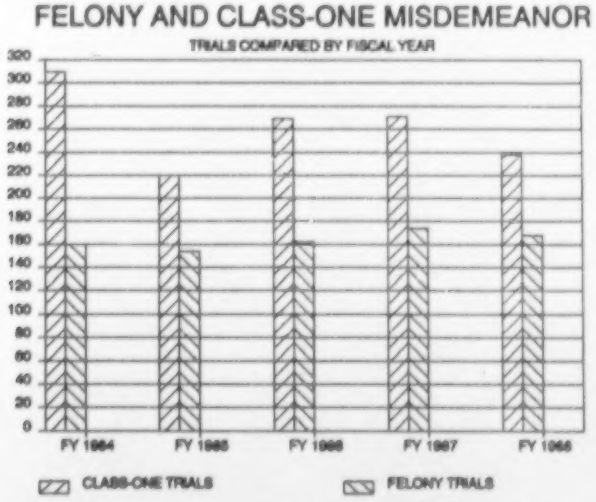


Chart 16. Felony and Class-One Misdemeanor Trials

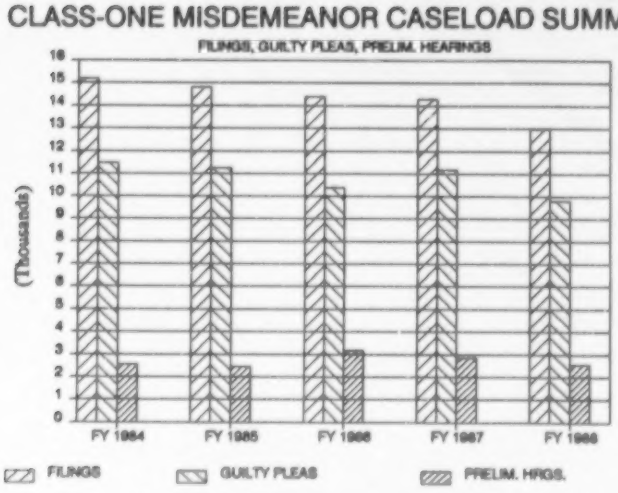


Chart 17. Class-One Misdemeanor Caseload

Chart 17 shows the decrease in filings and in guilty pleas for class-one misdemeanors during FY 1988. The decrease is also reflected in class-one and DUI filings in chart 18.

In chart 18 the numbers indicate that DUI class-one filings have dropped during the past fiscal year, along with overall class-one misdemeanor actions. The decrease in DUI filings continues the pattern of decline that was evident during the three years from FY 1984 to FY 1986.

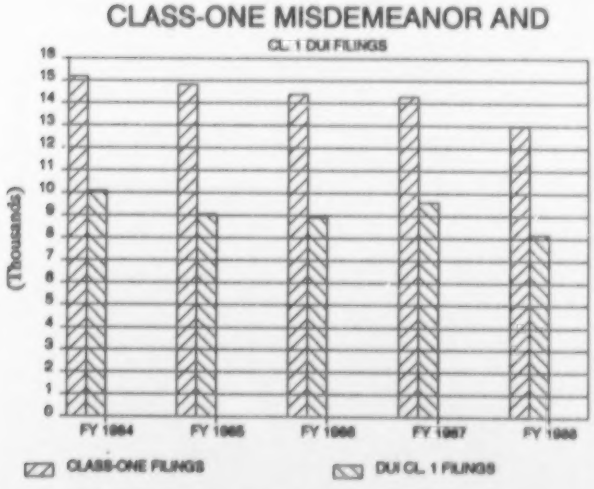


Chart 18. Class-One Misdemeanor and DUI Filings

DUI VIOLATIONS SUMMARY

	FY 1984	FY 1985	FY 1986	FY 1987	FY 1988
FILINGS					
DUI One	9035	7874	7475	7971	6768
DUI Two	1046	1180	1432	1627	1385
DUI Three	228	318	491	632	627
TOTAL	10309	9372	9398	10230	8780
GUILTY PLEAS					
DUI One	6606	5510	4832	5268	4490
DUI Two	789	806	845	927	741
DUI Three	110	147	167	206	203
TOTAL	7505	6463	5844	6401	5434
DISMISSALS					
DUI One	1354	1666	1809	2052	1863
DUI Two	207	307	470	577	523
DUI Three	65	87	178	205	206
TOTAL	1626	2060	2457	2834	2592
SUSPENDED IMPOSITION					
DUI One	707	404	430	430	183
DUI Two	3	16	31	48	47
DUI Three	32	48	54	46	64
TOTAL	742	468	515	524	294
CONVICTIONS AT TRIAL					
DUI One	167	128	147	117	105
DUI Two	25	20	24	47	37
DUI Three	9	14	15	25	24
TOTAL	201	162	186	189	166
ACQUITTALS AT TRIAL					
DUI One	66	47	40	52	30
DUI Two	5	9	8	14	13
DUI Three	1	6	6	17	10
TOTAL	72	62	54	83	53

Table 18. DUI Violations Summary

DUI Caseload

The majority of class-one misdemeanor cases are violations of SDCL chapter 32-23, referred to as DUI (driving under the influence). Those filings, and the most common dispositions of those filings, for fiscal years 1984 through 1988, are shown on Table 18. Selected segments of the data on that table are shown in the comparative bar charts that follow.

In the table, first and second offense DUI violations (DUI one and DUI two) are class-one misdemeanors, third and subsequent offenses (DUI three) are felonies.

Examination of the information in Table 18 shows that all DUI categories of filings and dispositions have decreased during FY 1988 with the exception of DUI-three suspended impositions of sentence (see the following material for definition), and dismissals (which increased by 1).

Total filings for all DUI offenses decreased during the year by 14%.

The most dramatic change in the tabular data for FY 1988, also reflected in Chart 20, is in the category of suspended impositions of sentence for DUI-one cases, which dropped by almost 60%. This indicates that judges are allowing fewer suspended impositions for first offense DUI misdemeanant violators.

Charts 19 and 20 present a graphic summary of total DUI offenses for FY 1988. In Chart 19, the decreases in all pleas, filings and dismissals are shown.

Of the total number of DUI dismissals shown for FY 1988, about 37% are the result of negotiations for the defendant to plead guilty to a lesser charge (usually reckless driving, which is also a class-one misdemeanor). This happens if the prosecutor believes that the state's evidence may not be adequate for a DUI conviction and he is willing to save the state the expense of a more time-consuming prosecution in return for the defendant's guilty plea to the lesser charge.

Conviction for more than one reckless driving violation within a one-year period will result in suspension of the violator's driving license for a minimum of thirty days.

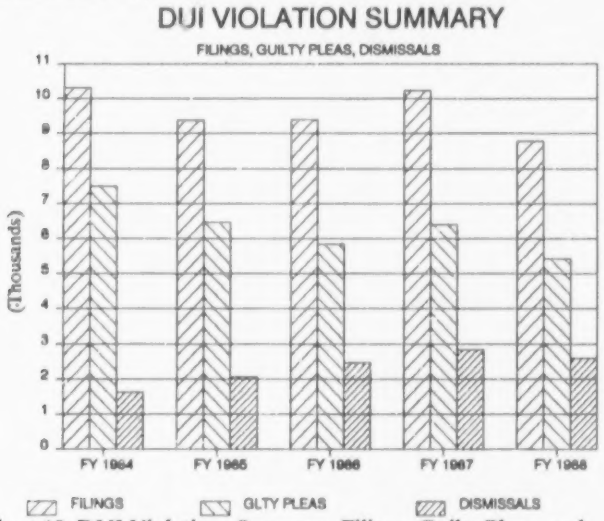


Chart 19. DUI Violations Summary, Filings, Guilty Pleas, and Dismissals

Chart 20 shows a comparison of the remaining dispositions from Table 18, which are suspended impositions of sentence and trial results, for all DUI offenses. The chart shows suspended impositions of sentence, discussed in some detail on page 46, declining sharply after three years of gradual increase. The other categories in the chart also reflect the overall decrease in DUI actions.

Table 19 presents DUI filings and dispositions for Fiscal Year 1988, by county and circuit. Decreases are reflected in the totals for filings and guilty pleas in every judicial circuit. Although suspended impositions of sentence are significantly lower state-wide than in the previous fiscal year, there was a noticeable increase in the fifth circuit. Also, the eighth circuit still shows a relatively high number of such dispositions.

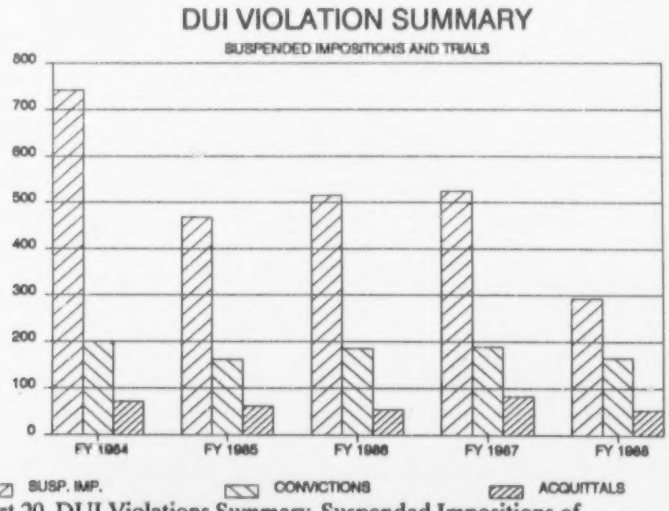


Chart 20. DUI Violations Summary, Suspended Impositions of Sentence and Trials

DUI DISPOSITIONS
BY COUNTY AND CIRCUIT

	TOTAL	GUILTY PLEAS	DISMISSALS	TRIALS ACQUITTALS	TRIALS CONVICTIONS	SUSPENDED IMPOSITIONS OF SENTENCE
FIRST CIRCUIT:						
BON HOMME	44	40	2	0	1	1
CHARLES MIX	119	79	31	0	2	2
CLAY	167	118	26	0	4	17
DOUGLAS	11	8	2	0	0	0
HUTCHINSON	44	30	9	1	1	2
LINCOLN	92	60	23	0	2	3
TURNER	45	23	16	0	2	4
UNION	184	108	66	0	2	7
YANKTON	275	159	89	1	4	5
TOTAL	981	625	264	2	18	41
SECOND CIRCUIT:	2125	1106	965	5	22	23
THIRD CIRCUIT:						
BEADLE	154	102	38	1	13	0
BROOKINGS	236	214	16	1	5	0
CLARK	13	9	4	0	0	0
CODINGTON	162	125	27	1	6	3
DEUEL	40	35	4	0	1	0
GRANT	43	38	1	0	1	3
HAMLIN	20	17	3	0	0	0
HAND	15	10	5	0	0	0
KINGSBURY	22	18	4	0	0	0
TOTAL	705	568	102	3	26	6
FOURTH CIRCUIT:						
AURORA	17	12	5	0	0	0
BRULE	72	41	28	1	0	1
BUFFALO-	1	0	1	0	0	0
DAVISON	132	102	27	0	1	0
HANSON	13	6	5	2	0	0
JERAULD	10	4	4	0	0	2
LAKE	80	52	24	0	1	3
MC COOK	26	19	4	1	2	0
MINER	15	10	5	0	0	0
MOODY	65	44	16	3	0	1
SANBORN	14	6	4	1	2	1
TOTAL	445	296	123	8	6	8
STATE TOTALS:	8782	5434	2592	53	166	294

* Magistrate Court

	TOTAL	GUILTY PLEAS	DISMISSALS	TRIALS ACQUITTALS	TRIALS CONVICTIONS	SUSPENDED IMPOSITIONS OF SENTENCE
FIFTH CIRCUIT:						
BROWN	323	210	96	0	7	10
CAMPBELL	7	2	2	0	0	2
DAY	81	63	7	0	2	8
EDMUNDS	26	20	2	0	1	3
FAULK	22	13	9	0	0	0
MARSHALL	40	33	5	0	0	1
MC PHERSON	13	10	3	0	0	0
ROBERTS	132	114	12	0	0	6
SPINK	36	22	9	2	2	1
WALWORTH	119	101	5	0	0	13
TOTAL	799	588	150	2	12	44
SIXTH CIRCUIT:						
BENNETT	88	45	31	0	2	4
GREGORY	50	31	17	1	1	0
HAAKON	20	16	1	1	2	0
HUGHES	231	164	52	0	0	1
HYDE	10	6	3	0	0	0
JACKSON	73	50	21	1	0	1
JONES	21	15	2	0	3	1
LYMAN	51	39	9	3	0	0
MELLETTE	50	41	7	1	1	0
POTTER	20	10	9	0	1	0
STANLEY	41	22	19	0	0	0
SULLY	1	0	0	0	0	0
TODD	4	0	4	0	0	0
TRIPP	115	62	49	2	2	0
TOTAL	775	501	224	9	12	7
SEVENTH CIRCUIT:						
CUSTER	110	45	56	2	1	1
FALL RIVER	155	109	27	2	5	1
PENNINGTON	145	66	35	6	19	10
RAPID CITY*	1557	916	442	8	33	7
TOTAL	1967	1136	560	18	58	19
EIGHTH CIRCUIT:						
BUTTE	229	101	92	0	3	33
CORSON	15	8	5	0	0	2
DEWEY	15	11	0	0	1	2
HARDING	11	5	6	0	0	0
LAWRENCE	344	225	40	2	6	70
MEADE	306	217	54	3	2	30
PERKINS	64	47	7	1	0	9
ZIEBACH	1	0	0	0	0	0
TOTAL	985	614	204	6	12	146

Table 19. DUI Filings and Dispositions By County

Suspended Impositions

After a defendant's first conviction, either by guilty plea or at trial, the judge may decide to suspend the imposition of sentence according to SDCL 23A-27-13 and -14. These laws permit the judge, if he decides that it is in the interest of justice and the good of the community, to require the defendant to fulfill certain conditions, including the possibility of both a fine and jailtime, after which the defendant is discharged and the court orders that his record be sealed.

According to SDCL 23A-27-17, "the effect of such order is to restore such person, in the contemplation of the law, to the status he occupied before his arrest...." For general legal purposes, the sealing of the record means it is as though the defendant was never convicted, with the following exception.

According to SDCL 23A-27-16, a record is kept by the state's Division of Criminal Investigation "solely for use by law enforcement agencies, prosecuting attorneys, and courts in sentencing such person for subsequent offenses."

The suspended imposition of sentence is provided to help those citizens who have been convicted of their first crime, but are sufficiently law-abiding and responsible, in the judgment of the court, that they should be reinstated fully after a reasonable punishment.

According to SDCL 23A-27-14, the procedure involved in the suspended imposition of sentence "may occur only once with respect to any person."

The indicators on chart 20 show that there has been a gradual steady increase in the number of suspended impositions of sentence rendered for felonies over the past five years. In the other two classes of criminal offense, there has been a sharp decrease following two years of increase.

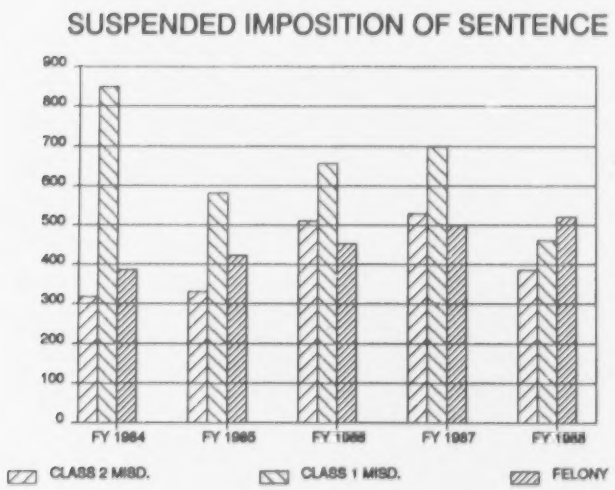


Chart 21. Suspended Imposition of Sentence

Class-Two misdemeanors

Chart 22 shows that the number of class-two misdemeanor filings and guilty pleas have been increasing steadily during the several years prior to FY 1988, but that this year shows a decline. Chart 23 shows that dismissals of class-two violations rose again for the third consecutive year after a substantial drop in FY 1986. The number of trials declined slightly.

The sharp increase in class-two mismisdemeanor dismissals reflects the high number of "financial responsibility" arrests that have been dismissed during the past year.

In these cases, the defendant who is stopped by a law-enforcement officer for a traffic violation must produce proof of financial responsibility (usually an auto insurance card). If the driver has no such proof in the vehicle, he is given a citation for failure to show proof of financial responsibility. Later, if the defendant can produce such proof for the clerk-magistrate, the charge is dismissed. There were over 8000 of these dismissals during FY 1988.

Some other class-two misdemeanor dismissals are the result of the removal from active records, as authorized by Supreme Court Rule, of those traffic cases in which the defendant failed to appear or pay the fine after a period of six months.

In those cases, the defendant's driver's license is suspended by the Department of Driver Improvement and the case is removed from active court files. In order to have his license reinstated, the defendant must first have the court issue an order to reinstate the license. Then, he must pay a substantial cash penalty to the Department of Commerce and Regulation. The defendant also faces the possibility of an additional criminal charge for his failure to appear in court on the original violation.

Table 20 lists class-two misdemeanor traffic violations for the fiscal year. The offenses shown in the detailed list include those with fifty arrests or more. Those showing an SDCL prefix of 99 are municipal violations.

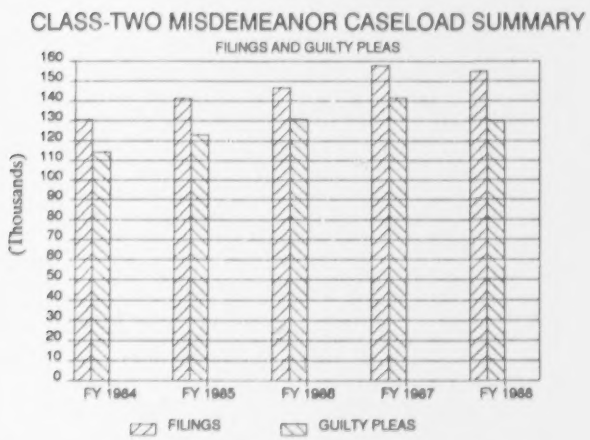


Chart 22. Class-Two Misdemeanor Caseload Filings and Guilty Pleas

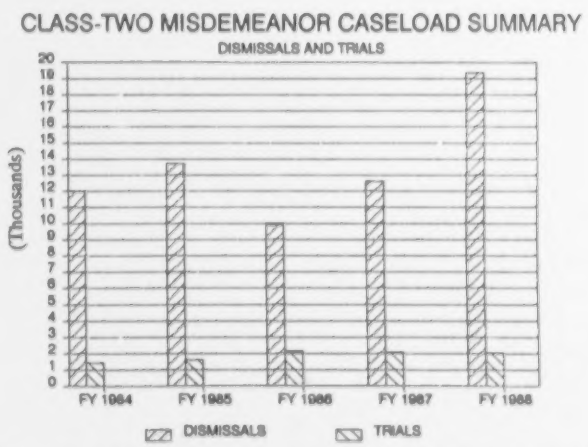


Chart 23. Class-Two Misdemeanor Caseload Dismissals and Trails

Class-Two Misdemeanor and Petty Offense Traffic Violation Summary FY 1988

Offense	SDCL Code	Number of Arrests	Total Fine Amount
Speeding	32-25-11.2	72,208	$2,273,961
Financial Responsibility	32-35-113	12,310	$115,652
Parking, Standing	99-1-4	6,898	$73,491
Failure to Stop	32-29-2.1	4,744	$107,164
No Drivers License	32-12-22	4,741	$102,952
Overweight on Axle	32-22-16	3,585	$365,812
Open Container	32-1-9.1	2,896	$86,585
No license Plates	32-5-98	2,488	$56,730
Suspended License	32-12-65	2,376	$87,871
Warning Ticket	99-1-2	1,288	$19,801
Exhibition Driving	99-1-52	1,211	$27,700
Disobey Traffic Sign	99-1-11	1,123	$26,127
Comp Certificate	32-9-14	1,051	$80,972
Flashing Red Light	32-28-6	1,014	$24,877
Log Book / Other	49-28A-3	966	$77,797
Revoked License	32-12-65	951	$28,104
Log Book Violations	49-28-63	841	$69,983
Illegal Turn	32-26-18.1	789	$17,703
Careless Driving	99-1-53	750	$24,726
Truck Fuel Tax	10-49-1,9	664	$52,999
Illegal Passing	32-26-35	620	$19,331
Follow too Closely	32-26-40	616	$16,541
Exhibition Driving	32-24-9	600	$12,798
Failure to Yield	32-29-3	582	$15,703
Careless Driving	32-24-8	573	$22,220
No Motorcycle Driver License	32-20-2	559	$13,416
Abandoned Vehicle	99-2-23	538	$7,989
Overdriving Road Conditions	32-25-3	490	$12,199
License Possession*	32-12-39	477	$2,030
Accident Reporting	32-34-7	475	$21,750
Yield Right of Way	32-26-13	432	$12,089
Stop for School Bus	32-32-6	421	$20,992
Unsafe driving	99-1-16	356	$10,108
Wrong-Way One-Way	99-1-40	331	$6,410
PUC Regulations	49-28-33	323	$26,536
Promise to Appear	32-33-2	320	$3,326
Oversize/Overweight	32-22-52	317	$25,047
Overweight Truck	32-9-14	316	$25,200
Wrong Side of Road	32-26-1	293	$6,889
Cross Median	32-26-9	262	$8,961
Flashing Stop Light	99-1-50	259	$6,269
Eye Protection*	32-20-4.1	244	$2,839
Exhibition Driving	99-1-9	235	$6,032
Illegal U-Turn	32-26-25	232	$4,142
Substitute Plates	32-5-103	221	$10,643
Unsafe Backing	32-30-20	209	$6,041
Comply with Officer	32-21-30	188	$2,430
Accident Reporting	99-1-17	184	$6,503
Minor without Helmet	32-20-4	181	$3,060
Improper Stopping	32-30-1	166	$2,590
Stop at Driveway	99-1-45	162	$4,812
Weigh Station	32-33-17	138	$9,950
Illegal Lane Change	32-26-6	133	$3,380
Deviating	99-1-39	131	$3,595
Stop at Accident	32-34-4	122	$5,845
Trailer Chains	32-19-9	119	$3,300
Reckless Driving	99-1-41	101	$3,575
Illegal U-Turn	99-1-54	99	$1,382
Child Seat Restraint	32-37-1	98	$1,255
Vehicle on Public - Private Property	99-1-48	97	$2,498
Fail to Stop	99-1-57	92	$1,914
Unsafe Vehicle	32-21-27	90	$2,255
Muffler Cut-out	32-15-17	86	$1,455
Racing on Highway	32-25-23	82	$5,350
Unauthorized Driver	32-12-72	78	$2,235
Careless Driving	99-1-10	74	$3,100
Rear Lamps Required	32-17-8	74	$1,055
Overwidth Vehicle	32-22-3	62	$4,930
License Expiration	32-12-42	62	$960
Public Safety Rules*	32-9-44	61	$4,956
Alter License Plates	32-5-103	60	$3,473
Handlebar Height	32-20-3	58	$1,105
Headlamp Violations*	32-17-27	57	$625
Passenger on Outside of Vehicle	99-2-20	54	$995
Registrat'n/Licensing	32-20A-15	54	$1,680
Total of this List		136,158	$4,134,096
Other Class-Two and Petty Offense Traffic Violations		1,495	$39,302
State Total		137,653	$4,173,398

* Petty Offenses

Table 20. Traffic Violation Summary